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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 2—Income Limitations**

PROPOSED RESCISSION

4 CSR 170-2.010 Adjusted Gross Income. This rule prescribed the maximum adjusted gross annual income for persons and families wishing to rent or purchase housing financed by the Missouri Housing Development Commission (commission).

PURPOSE: This rule is being rescinded and replaced with a rule that more accurately sets forth the income limitations for persons and families wishing to rent or purchase housing financed by or through the commission.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19),

RSMo Supp. 1989. Original rule filed June 22, 1971, effective July 2, 1971. For intervening history, please consult the Code of State Regulations. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 2—Income Limitations**

PROPOSED RULE

4 CSR 170-2.100 Income Limitations

PURPOSE: This rule prescribes the income limitations for persons and families wishing to rent or purchase housing financed by or through the Missouri Housing Development Commission.

(1) Except as provided in this section, all term(s) used in 4 CSR 170-2.100 shall bear the same meaning as the defined term(s) described in 4 CSR 170-1.100 and the state housing act.

(2) Housing units, whether multi-family or single family, shall be subject to a maximum income limit for families and individuals set at one hundred fifty percent (150%) of applicable median family income for the area in which the housing unit is located. "Applicable median family income" shall have the same meaning as set forth in Section 143 of the *Internal Revenue Code of 1986*.

(3) Housing units receiving federal and state resources, including tax-exempt bond authority, are subject to the income limits, certifications, procedures, occupancy standards, and other applicable requirements of federal and state laws and rules.

(4) Income Information and Verification.

(A) The approved mortgagor (as such term is defined in section 215.010(1), RSMo, and 4 CSR 170-3.100), or originating lender in the case of a single-family loan, shall have the responsibility of determining the income and eligibility of applicants for housing units on which the Missouri Housing Development Commission (commission) provides financing. The approved mortgagor, or originating lender in the case of a single-family loan, shall provide the commission staff with verification of income as may be requested by the commission staff in conjunction with loan origination and closing.

(B) After initial occupancy, the rental occupant shall be responsible for reporting changes in his/her total annual income and family composition and for providing the approved mortgagor and the commission with an updated verification of income, as the commission staff may request.

(C) If a rental occupant shall fail, refuse, or neglect to furnish

complete income information or family composition or to cooperate in the verification of this information, the commission staff may serve upon the occupant, by registered or certified mail or in person, a statement of the information desired and a demand that the information be furnished within a specified period of time not less than seven (7) days. If an occupant so notified shall then fail to furnish the information requested, the approved mortgagor may increase the rental rate on the unit so occupied up to the maximum surcharge as prescribed in the schedule approved by the commission staff for each development.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 170—Missouri Housing Development Commission

Chapter 3—Approved Mortgagor of Multiunit Housing

PROPOSED RESCISSION

4 CSR 170-3.010 Approved Mortgagor. This rule was intended to carry out the provisions of section 215.010(1), (6), and (9), RSMo, which defines the terms approved mortgagor, limited dividend corporation, and nonprofit corporation.

PURPOSE: This rule is being rescinded and replaced with a rule that more accurately sets forth the requirements for qualification as an approved mortgagor of multi-family rental housing.

AUTHORITY: Chapter 215 and sections 215.010(1), (6), and (9), 215.030(12) and (19), and 215.090, RSMo 1986. Original rule filed Nov. 18, 1971, effective Nov. 28, 1971. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 170—Missouri Housing Development Commission

Chapter 3—Requirements for Qualification as an Approved Mortgagor of Multi-Family Rental Housing

PROPOSED RULE

4 CSR 170-3.100 Definitions

PURPOSE: This rule defines the terms used in this chapter.

(1) As used in this chapter, all terms not otherwise defined herein shall have the meanings set forth in the state housing act and/or in 4 CSR 170-1.100. For purposes of this chapter, the following terms shall have the following meanings:

(A) Approved mortgagor. Any individual or entity falling within the definition of approved mortgagor set forth in section 215.010(1), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in this chapter;

(B) Limited dividend corporation. Any corporation falling within the definition of limited dividend corporation set forth in section 215.010(6), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in this chapter;

(C) Nonprofit corporation. Any corporation falling within the definition of nonprofit corporation set forth in section 215.010(9), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in this chapter; and

(D) Partnership. Any general partnership, as well as any non-incorporated legal entity, formed under the laws of the state of Missouri.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 170—Missouri Housing Development Commission

Chapter 3—Requirements for Qualification as an Approved Mortgagor of Multi-Family Rental Housing

PROPOSED RULE

4 CSR 170-3.200 Approved Mortgagor

PURPOSE: This rule is intended to carry out the provisions of section 215.010(1), (6), and (9), RSMo, which defines the terms approved mortgagor, limited dividend corporation, and nonprofit corporation.

(1) In order for an entity to qualify as an approved mortgagor under

section 215.010, RSMo, it must be in compliance with all applicable laws of the state of Missouri and must also meet the following requirements:

(A) The entity must be acting or formed primarily for the purpose of providing residential housing at low and moderate rentals for low- and moderate-income families under regulations and standards adopted by the Missouri Housing Development Commission (commission); and

(B) The entity must be regulated as to rents, sales, charges, capital structure, rate of return, and methods of operation in the form and manner as the commission deems necessary to effectuate the purposes of the state housing act and these regulations. If, however, the commission holds only a participation interest in a mortgage loan originated by another lender, the entity to which such loan was made may be, at the discretion of the commission, but is not required to be, regulated as to one (1) or more of rents, sales charges, capital structure, rate of return, and/or methods of operation, in the form and manner as the commission deems necessary to effectuate the purposes of the state housing act and these regulations.

(2) In addition to the requirements set forth in section (1) of this rule, for a nonprofit corporation to qualify as an approved mortgagor, it must be incorporated pursuant to provisions of the general not-for-profit corporation law of the state of Missouri or be a *pro forma* decree corporation, it must be organized for purposes other than the making of profit or gain for itself or persons identified with it, and it must document to the commission that it is neither controlled by nor under the direction of persons or firms seeking to derive profit or gain from the development.

(3) In addition to the requirements set forth in section (1) of this rule, for a limited dividend corporation to qualify as an approved mortgagor, it shall be incorporated pursuant to the provisions of the general corporation law of Missouri and limited as to its dividends and earnings pursuant to section 215.090, RSMo.

(4) In addition to the requirements set forth in section (1) of this rule, for any partnership or corporation to qualify as an approved mortgagor pursuant to section 215.010(1)(d), RSMo, it shall be organized under the applicable laws of the state of Missouri, shall be established as a single purpose, single asset entity, and shall be limited as to distributions of earnings and income pursuant to section 215.090, RSMo.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 4—Supervision of Mortgagors and Sponsors
PROPOSED RESCISSION**

4 CSR 170-4.010 Financial Reports and Limitations on Earnings. This rule provided further regulatory control by the Missouri Housing Development Commission (commission) over the approved mortgagors of multi-unit housing developments.

PURPOSE: This rule is being rescinded and replaced with a new set of rules that provide further regulatory control by the commission over the approved mortgagors of multi-unit housing developments.

AUTHORITY: sections 215.030(12) and (19) and 215.090, RSMo Supp. 1989 and section 215.220, RSMo 1986. Original rule filed Nov. 18, 1971, effective Nov. 28, 1971. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 4—Supervision of Mortgagors**

PROPOSED RULE

4 CSR 170-4.100 Definitions

PURPOSE: This rule defines the terms used in this chapter.

(1) As used in this chapter, all terms not otherwise defined herein shall have the meanings set forth in the state housing act and/or in 4 CSR 170-1.100. For purposes of this chapter, the following terms shall have the following meanings:

(A) Approved mortgagor. Any individual or entity noted in section 215.010(1), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in 4 CSR 170-3;

(B) HUD. The U.S. Department of Housing and Urban Development;

(C) Mortgage(s). The mortgage loan made to an approved mortgagor by the Missouri Housing Development Commission (commission), as well as all other mortgage loans an approved mortgagor has received in relation to its development and which the commission has approved;

(D) Partnership. Any general partnership, as well as any non-incorporated legal entity, formed under the laws of the state of Missouri;

(E) Regulatory agreement or land use restriction agreement. Any agreement(s) which the commission shall require to be executed and recorded on a property for which the commission has provided a mortgage as a condition of providing such mortgage and which restricts the use and transfer of a property for which the mortgage is provided; and

(F) Surplus cash. The equivalent of the amount calculated utilizing the formula set forth in 4 CSR 170-4.200(4).

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 4—Supervision of Mortgageors**

PROPOSED RULE

4 CSR 170-4.200 Rules and Limitations on Earnings, Dividends, and Other Distributions by Approved Mortgageors

PURPOSE: This rule provides regulatory control by the Missouri Housing Development Commission (commission) over approved mortgageors. It restricts the distribution of earnings and dividends on housing developments financed in whole or in part by the commission to a maximum of eight percent (8%) per year of the equity in the development, subject to the discretion of the commission, and prohibits any distributions except out of surplus cash, as defined in this rule.

(1) Net earnings, dividends, or other distributions, as defined in the state housing act, these regulations, or in the Missouri Housing Development Commission (commission) regulatory agreement, may be declared or made only as of or after the end of an annual, semi-annual, or quarterly fiscal period.

(2) The amount of any allowable net earnings, distributions, or disbursements from surplus cash of the development shall not exceed, in any one (1) fiscal year, eight percent (8%) per annum of the equity in a development.

(3) The equity in a development shall consist of the difference between the mortgage(s) as reduced by the payment(s) to principal and development costs. With respect to every development, the commission shall establish equity at the time of cost certification, as approved and determined by the commission on all residential housing developments originated and funded under the regulations and standards of the state housing act. Equity may be increased with the written approval of the commission in the event of improvements to the development deemed essential. The commission's determination of equity should not be identified with the U.S. Department of Housing and Urban Development (HUD) determination of equity.

(4) No net earnings, dividends, distributions, or other disbursements of any kind whatsoever shall be declared or made except out of surplus cash. Surplus cash shall be the amount of funds available and remaining after—

(A) The payment of development expenses which may include—

1. All sums due or required to be paid under the terms of any deed of trust note or regulatory agreement;

2. All amounts required to be deposited in any reserve accounts required or otherwise approved by the commission, including, but not limited to, the reserve fund for replacements; and

3. All obligations of the development (other than the deed of trust held by the commission) including, but not by limitation of, all costs and expenses of maintenance and operation, and all amounts paid for taxes, assessments, insurance premiums, and other similar charges, unless funds for payment are set aside, or deferment of payment has been approved by the commission;

(B) The segregation of—

1. An amount equal to the aggregate of all reserves required or otherwise approved by the commission and/or any other special funds required to be maintained by the development; and

2. All tenants' security deposits held.

(5) The right to any allowable net earnings, distributions, or disbursements from surplus cash shall be cumulative. Surplus cash shall be segregated into a separate residual receipts account which the commission may require be held jointly by the development and the commission. No disbursements may be made from this account for any purpose other than approved development expenses and permitted distributions of dividends, and no such distributions shall occur without the commission's consent.

(6) No distribution of any kind may be made from borrowed funds. The development shall not borrow any funds for any purposes without prior written approval of the commission.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 4—Supervision of Mortgageors**

PROPOSED RULE

4 CSR 170-4.300 Financial Reporting and Compliance Requirements for Approved Mortgageors

PURPOSE: This rule provides regulatory control by the Missouri Housing Development Commission (commission) over approved mortgageors. It requires approved mortgageors to furnish reports and financial information, allows the commission to perform on-site inspections of developments, and restricts the ability of approved mortgageors to change rents or ownership without the consent of the commission.

(1) All developments financed in whole or in part by the Missouri Housing Development Commission (commission) must remain available to low- and moderate-income persons at the lowest possible costs throughout the life of the loan, or until such later time as the commission may require. To help insure the achievement of these goals, for all developments financed by the commission, the following procedures shall be established to monitor compliance with the requirements of the state housing act, these regulations, and the requirements of any regulatory agreement or land use restriction agreement governing the use of the development:

(A) Within ninety (90) days following the end of each fiscal year, all approved mortgagors operating developments consisting of twenty-four (24) or more units shall furnish the commission with a complete annual financial report based upon an examination of the books and records of the development prepared in accordance with the requirements of the commission by a certified public accountant or other person acceptable to the commission and certified by an authorized agent of the mortgagor. For any development containing less than twenty-four (24) units, the commission may, where deemed appropriate to protect the interests of the state of Missouri, require approved mortgagors of such developments to provide the commission with similar annual financial reports;

(B) The staff of the commission shall perform an annual performance audit of each development unless other applicable federal or state laws or regulations require more restrictive audit rules, in which case the more restrictive rules shall dictate the frequency with which audits are performed. Notwithstanding the previous sentence, the commission staff may, in the absence of more restrictive federal or state laws or regulations, perform such audits less frequently than once per year for developments meeting such criteria as the commission staff may establish from time-to-time;

(C) The staff of the commission shall perform an annual on-site inspection of each development unless other applicable federal or state laws or regulations require more restrictive inspection rules, in which case the more restrictive rules shall dictate the frequency with which inspections are performed. Notwithstanding the previous sentence, the commission staff may, in the absence of more restrictive federal or state laws or regulations, perform such on-site inspections less frequently than once per year for developments meeting such criteria as the commission staff may establish from time-to-time;

(D) The approved mortgagor for each development shall, on an annual basis, provide the commission staff with a verification of income of each of the tenants in its development. This requirement shall apply to all tenants, regardless of whether they occupy a market rate unit or a unit for which reduced affordable housing rents are being charged. For developments not receiving financing from the commission, the only initial verification of income for each tenant will be required unless any other federal or state laws applicable to the development shall require more frequent income verification of tenants, in which case the more restrictive requirements shall prevail; and

(E) Upon the request of the commission, its agents, employees, or attorneys, approved mortgagors shall submit monthly occupancy reports to the commission staff, as well as give specific answers to questions upon which information is desired from time-to-time relative to the operation and condition of any development.

(2) No rents or charges to tenants in any development financed by the commission shall be increased without the prior written approval of the commission staff.

(3) Transfer of Ownership. The basic documents of the commission severely restrict the transfer of legal or beneficial interest in any development, and no such transfer may occur without the prior written consent of the commission. No monies paid for either the legal or beneficial interest of a development financed by the commission shall be deemed to increase the equity for the purposes of determining allowable distribution of dividends, except for those funds approved as development costs.

(A) Any intent to utilize secondary financing secured by the development shall be specifically identified.

(B) The consent of the U.S. Department of Housing and Urban Development (HUD) shall not be deemed adequate for commission approval of transfer of ownership.

(4) The approved mortgagor shall provide the commission with the following information:

(A) In the case of an individual approved mortgagor, the name and address of the mortgagor;

(B) In the case of an approved mortgagor that is a partnership, the names and addresses of all persons or entities having an ownership interest in the partnership; and

(C) In the case of an approved mortgagor that is a corporation, the names and addresses of the officers, directors, and shareholders and any amendments or substitutions which may occur from time-to-time in the organization of the approved mortgagor.

(5) Until the later of i) the repayment of the commission's loan on the development, ii) the expiration of any applicable compliance period set forth in the commission's loan documents, or iii) any longer period otherwise prescribed by the commission, an approved mortgagor shall notify the commission regarding any of the following changes:

(A) Any change in the approved mortgagor's address;

(B) Any change in the management agent managing the development;

(C) Any amendments or substitutions in the organization of the approved mortgagor (which notice shall also be provided to the management agent of the development); and

(D) Any other events for which notice may be required under the commission's loan documents.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RESCISSION

4 CSR 170-5.010 Definitions. This rule established guidelines to assist business firms and neighborhood organizations in the implementation of the Affordable Housing Assistance Program (AHAP) and allowed the Missouri Housing Development Commission (commission) to comply with the provisions of House Bill 960 (state tax credit).

PURPOSE: This rule is being rescinded and replaced with a new rule that establishes guidelines to assist eligible donors and eligible agencies in the implementation of the AHAP.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 170—Missouri Housing Development Commission

Chapter 5—Affordable Housing Assistance Program

PROPOSED RESCISSION

4 CSR 170-5.020 Preparation of Application. This rule established the procedures for submitting proposals and the criteria and priorities for the approval or disapproval of these proposals.

PURPOSE: This rule is being rescinded and replaced with a new rule that more accurately sets forth the application process.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 170—Missouri Housing Development Commission

Chapter 5—Affordable Housing Assistance Program

PROPOSED RESCISSION

4 CSR 170-5.030 Application and Notification Process. This rule established procedures and identified requirements for filing a tax credit application for the Affordable Housing Assistance Program (AHAP).

PURPOSE: This rule is being rescinded and replaced with a new rule that more accurately sets forth the AHAP application process.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 170—Missouri Housing Development Commission

Chapter 5—Affordable Housing Assistance Program

PROPOSED RESCISSION

4 CSR 170-5.040 Issuance of the Tax Credit. This rule established the total amounts of tax credits, computation of tax credits, and proof of contribution for the Affordable Housing Assistance Program (AHAP).

PURPOSE: This rule is being rescinded and replaced with a new rule that more accurately sets forth the computation of AHAP tax credits and proof of contribution for the AHAP.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. Amended: Filed Dec. 3, 1991, effective April 9, 1992. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RESCISSION

4 CSR 170-5.050 Compliance Requirements. This rule established the compliance requirements for the Affordable Housing Assistance Program (AHAP).

PURPOSE: This rule is being rescinded and replaced with a new rule that more accurately sets forth the AHAP compliance requirements.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RULE

4 CSR 170-5.100 Introduction

PURPOSE: This rule establishes guidelines to assist eligible donors and eligible agencies in the implementation of the Affordable Housing Assistance Program (AHAP).

(1) All term(s) used in 4 CSR 170-5 shall bear the same meaning as the defined term(s) described herein and in 4 CSR 170-1.100, the state housing act, and, as applicable, in sections 135.350–135.363, RSMo.

(2) The Missouri Housing Development Commission (commission), as an instrument of the state of Missouri, shall administer the Affordable Housing Assistance Program (AHAP), subject to the requirements of state of Missouri law and any regulations promulgated pursuant to state of Missouri law. The commission staff shall provide the application forms to eligible agencies seeking to provide affordable housing and to take advantage of the tax credits issued under this program. Said applications may be obtained at the commission's website or by contacting the commission directly.

(3) As used in the implementation of the AHAP, the following terms shall mean:

(A) Adjusted gross income. An amount equal to adjusted income as such amount is defined under Title 24, *Code of Federal*

Regulations, Part 5, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

(B) Affordable Housing Assistance Programs (AHAP). Those programs designed to provide affordable housing to very low-income persons who would not otherwise be adequately housed;

(C) Affordable housing assistance activities. Includes money, real or personal property, or professional services expended or devoted or contributed through an eligible agency which is providing affordable housing units—

1. Through the use, construction, or rehabilitation of those units; or

2. To eligible occupants through an affordable housing rent subsidy program approved by the commission staff, all in accordance with the criteria established in subsection (3)(C) herein, with the exception of fees to administer rent subsidy programs, which shall not be paid from eligible donations;

(D) Affordable housing rent subsidy. Eligible donation funds that may be set aside to provide to low-income residents a monthly rental assistance. They may not be used for households already receiving rental assistance through other resident assistance programs;

(E) Affordable housing unit. For the purposes of AHAP, means a residential unit generally occupied by persons and families with incomes at or below the levels described in this rule and charging a gross rental rate or bearing a cost to the occupant no greater than thirty percent (30%) of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. Gross rent includes the cost of any customary utilities, other than telephone, as approved by the commission staff. If any utilities are paid directly by the occupant, the maximum rent that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission staff;

(F) AHAP land use restriction agreement (AHAP LURA). An agreement between the commission and the approved mortgagor which shall be prepared by the commission staff, executed by the applicable parties, and shall restrict the use of the property during the compliance period;

(G) AHAP tax credit. A one (1)-time credit that may be allocated to an eligible donor for up to fifty-five percent (55%) of the total value of the eligible donation;

(H) Application. A written submission of a request for production credits and/or operating assistance credits by an eligible agency which is providing affordable housing units through affordable housing assistance activities, including use, construction, rehabilitation, or grant of affordable housing rent subsidies to eligible occupants in a manner consistent with the AHAP requirements;

(I) Chief elected official. That official elected to the highest governing position in the local jurisdiction in which the development is located;

(J) Compliance period. The AHAP LURA shall restrict the use of the property receiving the benefit of production credits for a period of ten (10) years or for such other period as may be set forth below—

1. For properties that have existing residents, the AHAP LURA shall be filed at the time of the eligible donation or at the closing of the deal, whichever occurs first, and shall remain in place for a period of ten (10) years;

2. For new construction, conversion, or rehabilitation of properties with no existing residents, the AHAP LURA shall be filed at the time of the first eligible donation, and restriction will begin upon issuance of the first certificate of occupancy and shall remain in place for a period of ten (10) years;

3. If the eligible donation is of vacant land for the purpose of developing affordable housing units, the AHAP LURA shall be filed upon donation of the vacant land but will not be effective until the

first certificate of occupancy is issued, after which time it shall remain in place for a period of ten (10) years; and

4. Developments receiving an affordable housing rent subsidy shall be subject to the restrictions of the AHAP LURA for as long as the affordable housing rent subsidy is in place and only with regard to those units receiving the affordable housing rent subsidy;

(K) Eligible agency. Any organization performing community services or economic development activities in the state of Missouri having the producing, maintaining, or operating of low-income housing as part of their charter and as one (1) of their stated purposes, and—

1. Holding a ruling from the Internal Revenue Service of the United States Department of Treasury that the organization is exempt from income taxation under the provisions of the *Internal Revenue Code* sections 501(c)3, 501(c)4, or 501(c)6; or

2. Incorporated in the state of Missouri as a not-for-profit corporation under the provisions of Chapter 355, RSMo; or

3. Designated as a community development corporation by the United States government under the provisions of 42 U.S.C.A. 9802; and

4. Not controlled by a for-profit corporation, company, partnership, or entity of any kind; and

5. Any organization not solely relying on AHAP tax credit in the furtherance of their business activities must meet the minimum requirements of subsection (3)(K) and shall have conducted their business activities for at least one (1) year;

(L) Eligible donation. A donation that may be in the form of cash, stock, real estate, professional services, or materials/products and must be eligible for the federal income tax charitable deduction. The donation must be made to an eligible agency which has already received a reservation of AHAP tax credits from the commission staff. To allocate the credit, the commission staff requires supporting documentation evidencing the receipt and value of the donation and a certification form executed by the eligible donor and the eligible agency. To be an eligible donation, the donation must be received by the eligible agency after the date of reservation and prior to the deadline outlined in the reservation letter;

(M) Eligible donor. A person, firm, or corporation doing business in the state of Missouri and subject to the income tax imposed by the provisions of Chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of Chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in the state of Missouri, or other financial institution paying taxes to the state of Missouri or any political subdivision of the state of Missouri under the provisions of Chapter 148, RSMo, or an express company which pays an annual tax on its gross receipt in the state of Missouri.

1. Employees of an eligible agency which has been allocated AHAP tax credits are not eligible to make donations for AHAP tax credits. However, they are eligible to receive AHAP tax credits through the transfer process;

(N) Eligible occupants. Persons or families whose household combined adjusted gross income, as defined by the commission staff, is equal to or less than the percentages of median family income set forth in section 32.105, RSMo. Median family income is that for the geographic area in which the residential unit is located or the median family income for the state of Missouri, whichever is larger. Geographic area means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the *United States Housing Act of 1937* for purposes of determining fair market rental rates;

(O) Fiscal year. As defined by the commission, shall be from July 1 through June 30;

(P) Operating assistance credits. Tax credits allocated through the AHAP to eligible agencies to provide for qualified operating expenses of the eligible agency pursuant to section 32.112, RSMo;

(Q) Production credits. Tax credits allocated through the AHAP to eligible agencies for affordable housing assistance activities pursuant to section 32.111, RSMo;

(R) Qualified operating expenses. For the purposes of operating assistance credits, may include salaries, office supplies/equipment, office rent/mortgage payments, utilities, taxes, insurance, maintenance/repairs, professional services procured by the eligible agency, and any other expenses approved by the commission staff. However, the cost of applying for the AHAP tax credits and the tax credit fee shall not be included in qualified operating expenses;

(S) Reservation. The process by which the commission staff sets aside AHAP tax credits for use by a specific eligible agency;

(T) Reservation letter. A letter issued by the commission staff to the eligible agency upon approval of their application which sets out the approved AHAP tax credit amount, the beginning and end dates for receiving eligible donations, and any additional terms for administration of the program; and

(U) Tax certification. A form provided to the commission staff by the eligible donor and the eligible agency to certify the information provided by each as it pertains to the donations and all applicable requirements for receiving the AHAP tax credit.

AUTHORITY: section 215.030(5), (12), and (19) and sections 32.III and 32.II2, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RULE

4 CSR 170-5.200 Application

PURPOSE: This rule establishes the procedures for submitting applications and the criteria and priorities for the approval or disapproval of these applications.

(1) Eligible agencies wanting to receive Affordable Housing Assistance Program (AHAP) tax credits must make application to the Missouri Housing Development Commission (commission) staff for approval and receive approval before an eligible donation from an eligible donor is received by the eligible agency. If approved, the commission staff will issue a reservation letter notifying the eligible agency of the approval and setting out the conditions of the reservation.

(2) All applications shall be made on the forms supplied by the commission staff and available on the commission's website or by contacting the commission staff directly.

(A) Applications for production credits consisting of construction or rehabilitation of affordable housing units and/or donation of property, or for providing affordable housing units to eligible occupants through an affordable housing rent subsidy program by an eligible agency will include, but not be limited to, those requirements set

forth in sections 135.802.1, 135.802.6, and 32.111, RSMo.

(B) Applications for operating assistance credits providing for general operating assistance to eligible agencies, in addition to the requirements set forth in sections 135.802.1, 135.802.6, and 32.111, RSMo, must specify—

1. The projected use of the eligible donation with respect to qualified operating expenses;
2. The need for the eligible donation; and
3. The leverage with additional resources.

(C) The commission staff may request any additional information it determines necessary to evaluate any application.

(3) An application fee and a tax credit fee shall be charged in an amount necessary to cover the commission's expenses. These fees may be adjusted by the commission staff from time-to-time and shall not be paid for out of eligible donation funds.

(4) Initial applications for production credits may be submitted at any time during the period from July 1 through April 30. The initial applicant may have an opportunity to request an increase and extension of the reservation in June subject to commission staff approval.

(5) Applications for operating assistance credits may be made in one (1) or both of two (2) application rounds, with an opportunity to request an increase reservation at the end of the fiscal year, subject to commission staff approval.

(6) Applications may be accepted at other times during the year at the discretion of the commission staff.

(7) All applications must comply with the AHAP limitations set forth in 4 CSR 170-5 and all applicable state and federal requirements, including, but not limited to, sections 32.100–32.125 and 135.802, RSMo.

(8) In all cases where the application is for production credits, and the applicant has not already done so, the commission staff shall notify the state senator, state representative, and the chief elected official of the jurisdiction in which the property is located upon receipt of the application. The elected officials shall be offered thirty (30) days to comment on the application.

AUTHORITY: section 215.030(5), (12), and (19), 32.III, and 32.II2, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RULE

4 CSR 170-5.300 Approval and Reservation Process

PURPOSE: This rule establishes procedures and identifies requirements for application approval or disapproval and reservation of Affordable Housing Assistance Program (AHAP) tax credits.

(1) Approval or disapproval of the application to receive Affordable Housing Assistance Program (AHAP) tax credits will be given in writing by the commission staff.

(2) Factors to be considered in the approval or disapproval of an application to provide affordable housing units through the use, new construction, rehabilitation, or donation of units shall include, but shall not be limited to, the following:

- (A) Qualification of the applicant as an eligible agency;
- (B) Feasibility of the project;
- (C) Need;
- (D) Leverage;
- (E) Community support; and
- (F) Eligibility of the donor and the donations.

(3) Factors to be considered in the approval or disapproval of an application to provide affordable housing units to eligible occupants by an eligible agency through a housing rent subsidy program approved by the commission staff shall include, but shall not be limited to, those items listed in section (2) of this rule, as well as consideration of the tenant population to be served and the general rent structure proposed.

(4) Factors to be considered in the approval or disapproval of an application to provide general operating assistance to an eligible agency as approved by the commission staff shall include, but shall not be limited to, assessment of submitted expenses for qualification as eligible expenses and the need to use AHAP tax credits to meet those eligible expenses.

AUTHORITY: sections 215.030(5), (12), and (19), 32.III, and 32.II2, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RULE

4 CSR 170-5.400 Issuance of the Tax Credit

PURPOSE: This rule establishes the total amounts of Affordable Housing Assistance Program (AHAP) tax credits, computation of AHAP tax credits, and proof of contribution for AHAP.

(1) The amount of the Affordable Housing Assistance Program (AHAP) tax credit shall not exceed fifty-five percent (55%) of the

total amount of eligible donations donated for affordable housing assistance activities (or market rate housing in distressed communities as defined in section 135.530, RSMo) by an eligible donor.

(2) Calculation of the minimum number of affordable housing units required—

(A) For developments consisting of multiple residential units (multi-family development) for which the eligible donation is the donation of the property itself, the number of units subject to the restrictions set forth in the AHAP land use restriction agreement (LURA) shall be fifty percent (50%) of the total units;

(B) For multi-family developments receiving other types of eligible donations, the number of units subject to the restrictions set forth in the AHAP LURA shall be calculated by taking the amount of the eligible donation and dividing it by the total development cost of the residential portion of the property and applying this fraction to the total number of units available for affordable housing units. The resulting number shall be rounded to the nearest whole number and will represent the number of affordable housing units required for the development;

(C) For single family homes that are not a part of a greater development which is under common ownership, all homes that receive the benefit of an eligible donation shall be an affordable housing unit;

(D) For the purposes of transitional housing and shelters, as such terms shall be determined by the commission staff from time-to-time, the entire facility shall be subject to the restrictions set forth in the AHAP LURA; and

(E) For purposes of the affordable housing rent subsidy, the number of units shall be determined by the number of qualifying eligible occupants receiving affordable housing rent subsidy from funds available from eligible donations.

(3) AHAP tax credit recipients have the time remaining in the fiscal year in which the donation is made, plus one (1) full fiscal year, to submit their tax certification and any required documentation from both the eligible donor(s) and eligible agency, evidencing the validity of an eligible donation. Any reservation amount not supported by a valid eligible donation prior to the reservation deadline shall be recaptured subject to the discretion of the commission staff.

(4) Any tax credit not used in the period for which the credit is approved may be carried over the next ten (10) succeeding calendar or fiscal years until the full credit has been claimed.

(5) The total amount of AHAP tax credits granted for applications approved pursuant to Chapter 32, RSMo, shall not exceed one (1) million dollars per fiscal year for operating assistance credits or ten (10) million dollars per fiscal year for production credits.

(6) Reservation for operating assistance credits may not exceed one hundred thousand dollars (\$100,000) per eligible agency per fiscal year, unless approved by the commission staff based upon demonstrated need and the ability to successfully satisfy reservation amounts and deadlines or unless the commission staff determines that there are no other appropriate applications for the tax credits.

(7) Reservations for production credits may not exceed one (1) million dollars per development, unless approved for more by the board of commissioners of the commission based upon demonstrated need and the ability to successfully satisfy reservation amounts and deadlines.

(8) No AHAP tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are part of its normal course of business. If there are any questions concerning the normal course of business, the commission staff shall determine this on a case-by-case basis.

(9) Computation of an AHAP tax credit depends on the form of the donation. Credits for donations by an eligible donor shall be computed by the commission staff. Evidence of proof of donations may include, but shall not necessarily be limited to, one (1) of the following:

(A) Cash donations shall require proof of payment, such as a copy of both sides of the cancelled check(s) or a bank statement showing the check transaction;

(B) Real estate investments shall have a copy of the deed and a copy of the appraiser's report by an independent appraiser;

(C) Professional services shall require documents detailing dates of service, type of service performed, and associated fees or value for service. The value of the services donated must not exceed the amount of the eligible donor charges for similar services to the general public in the ordinary course of the eligible donor's business. The eligible donor must certify to the appropriateness of the charges and acknowledge the penalty for providing false information in a manner acceptable to the commission staff;

(D) Materials or product, or both types of donations, shall have a copy of the invoice or other documentation showing the cost to the eligible donor and a copy of the invoice(s), signed by the eligible agency or agencies, describing the costs of the goods to the eligible donor; and

(E) Stocks shall require attachment of the documentation of the transfer of stocks or bonds from the eligible donor to the eligible agency, indicating the name of the securities, number of shares, date of transfer, and market value as of the date of the transfer. Documentation by brokerage statements must include the eligible donor's name.

(10) The commission staff has sole discretion in analyzing the qualification, structure, and valuation of all donations from eligible donors.

(A) If the eligible donation is in real or personal property or in professional services, rather than in cash, the valuation of the eligible donation will be substantiated as required by the commission staff, and its determination of value shall be final.

(11) Transferability of AHAP Tax Credits. Production credits and operating assistance credits are fully transferable with commission staff consent. Employees of eligible agencies which have been allocated AHAP tax credits are not eligible to make donations for AHAP tax credits but may receive AHAP tax credits through the transfer process.

(12) The commission staff shall transmit to the Missouri Department of Revenue the necessary information on the amount of AHAP tax credit allowable to the eligible donor provided that—

(A) All money, real or personal property, or professional services included in the application shall have been irrevocably and unconditionally contributed, expended, or devoted to the AHAP activity approved by the commission staff; and

(B) In all cases where the application involves new construction or rehabilitation or use of existing units, the AHAP LURA required by the commission staff shall be executed and filed for record prior to the issuance of any AHAP tax credit.

(13) In the event that an AHAP tax credit was improperly approved or issued, the commission staff shall notify the eligible agency and the eligible donor of the reason for the adjustment and notify the Missouri Department of Revenue that the AHAP tax credit has been adjusted and the reason for the adjustment.

AUTHORITY: sections 215.030(5), (12), and (19), 32.III, and 32.II2, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

PROPOSED RULE

4 CSR 170-5.500 Compliance Requirements and Recapture

PURPOSE: This rule establishes the compliance requirements for the Affordable Housing Assistance Program (AHAP).

(1) The Missouri Housing Development Commission (commission) staff is authorized, in its discretion, to audit the records and accounts of the approved mortgagor of the affordable housing units for which the Affordable Housing Assistance Program (AHAP) tax credit is claimed or audit the records and accounts of the eligible agency providing the affordable housing rent subsidies to tenants of claimed units in order to verify the information provided in the tax certification.

(2) Eligible agencies receiving a reservation of AHAP tax credits shall submit progress reports as required by the commission staff and specified in the reservation letter and/or in the AHAP land use restriction agreement (LURA). Failure to file the required progress reports within the prescribed time shall result in recapture of all AHAP tax credits that have not been allocated to that date, subject to the discretion of the commission staff.

(3) Eligible agencies that believe they will be unable to obtain the required amount of eligible donations to satisfy the entire reservation are highly encouraged to contact the commission staff as soon as they have made this determination so that funds can be reallocated.

(4) When an eligible agency has been unsuccessful in utilizing reservations by the prescribed deadline as set forth in the reservation letter, the commission staff shall send a letter of notification to notify the eligible agency of the amount of the reservation recaptured.

(5) For as long as there are eligible donation funds available, an eligible agency providing affordable housing units to eligible occupants through a housing rent subsidy program, and for which an AHAP tax credit is being claimed by an eligible donor, shall certify to the commission that all tenants receiving affordable housing rent subsidies are income-eligible for affordable housing units and the rental subsidies for each claimed unit are in compliance with the provisions of sections 32.100—32.125, RSMo, and all other applicable commission-required certifications and documentation and state and federal laws and regulations.

(6) Allocations of AHAP tax credits shall be revoked in the event of intentional fraud by the eligible donor.

(7) The commission staff shall notify the director of the Missouri Department of Revenue of any recapture or revocation of AHAP tax credits.

AUTHORITY: sections 215.030(5), (12), and (19), 32.III, and 32.II2, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 6—Missouri Low Income Housing Tax Credit**

PROPOSED RESCISSION

4 CSR 170-6.010 Criteria for Eligibility Statement. This rule established the criteria upon which the eligibility statements for the Missouri low income housing tax credit were issued, as mandated in section 135.352, RSMo (Supp. 1991).

PURPOSE: This rule is being rescinded and replaced with a new rule that more accurately establishes the criteria upon which the Missouri low income housing tax credit will be issued, as mandated in sections 135.352 and 135.800–135.830, RSMo.

AUTHORITY: Chapter 215 and section 215.030(5), (12), and (19), RSMo Supp. 1990. Emergency rule filed Sept. 25, 1991, effective Oct. 5, 1991, expired Feb. 1, 1992. Original rule filed Oct. 24, 1991, effective March 9, 1992. Rescinded: Filed May 24, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 6—Missouri Low Income Housing Tax Credit**

PROPOSED RULE

4 CSR 170-6.100 Criteria for Eligibility Statement

PURPOSE: This rule establishes the criteria upon which the eligibility statements for the Missouri low income housing tax credit will be issued, as mandated in sections 135.352 and 135.800–135.830, RSMo.

(1) All terms used in this chapter shall bear the meaning described in the state housing act, 4 CSR 170-1.100, and section 135.350, RSMo, as applicable. When used in this chapter, the following terms shall have the following meanings:

(A) Carryover. An agreement provided to developments which are not ready to be placed in service by year-end, but which have incurred or will incur within a period of twelve (12) months, more than ten percent (10%) of the total development cost pursuant to 26 U.S.C.A. 42(h)(1)(E)–(F);

(B) Conditional reservation. A countersigned document generated by the commission staff following approval of a development which will describe the type, amount(s), terms, and requirements applicable to the development in question. This document is subject to the requirements that the commission determines necessary or appropriate to assure that the development will meet the goals of the Qualified Allocation Plan (QAP) in a timely manner;

(C) Cost certification. A certification of actual costs of the development, as prepared by a certified public accountant;

(D) Firm commitment. A written agreement which sets forth the final underwritten terms and requirements of a transaction;

(E) Firm submission. The information and documents which the taxpayer is required to submit to commission staff, as identified in the conditional reservation;

(F) Housing credit administrator. The entity which is empowered as the federal low income housing tax credit (federal LIHTC) and Missouri low income housing tax credit (MO LIHTC) administrator for the state of Missouri;

(G) Land Use Restriction Agreement (LURA). An agreement which describes the covenants which the applicant is making which will run with the land;

(H) Notice of Funding Availability (NOFA). A document which alerts the public that the commission has funds available for the construction or rehabilitation of affordable housing developments; and

(I) Qualified Allocation Plan (QAP). A plan which sets forth the process the commission will use to administer the federal LIHTC and MO LIHTC in Missouri.

(2) The commission is the state of Missouri's housing credit administrator. This designation gives the commission the responsibility of administering the federal LIHTC and MO LIHTC. The responsibilities of a housing credit administrator are defined in 26 U.S.C.A. 42(m) and in sections 135.350–135.363, RSMo.

(3) The MO LIHTC is awarded by the commission in a competitive manner. The commission shall vote to approve the QAP. The commission shall, prior to taking a final vote to approve the QAP, provide to the general public of the state of Missouri a reasonable amount of time to make comments on the draft QAP. The commission shall solicit written comments as well as comments at QAP specific public hearing. The QAP shall address in one (1) document the administration plan for both the federal LIHTC and the MO LIHTC.

(4) The rules establishing eligibility of a taxpayer to receive federal LIHTC and, therefore, the MO LIHTC, are established by the federal government.

(5) The commission is charged with allowing no more MO LIHTC than necessary to make the proposed development feasible. The amount of MO LIHTC allowed will be calculated at the sole discretion of the commission, but in no case may the amount of MO LIHTC exceed the amount of federal LIHTC awarded to a development.

(6) The commission may elect, in its sole discretion, an amount of MO LIHTC which is less than the amount which may be available to award based on the amount of federal LIHTC available.

(7) The commission shall prepare an initial eligibility statement which specifies the amount of the federal LIHTC and MO LIHTC allocated.

(8) The eligibility statement shall also identify the low income housing tax credit number, building identification number, contact information for the taxpayer, the building address, date of allocation, the year in which the eligibility statement is approved for use, and date the building was placed in service. The eligibility statement shall be signed by an authorized official of the commission.

(9) The commission will issue an eligibility statement for each qualified Missouri project. The taxpayer shall provide the commission with all required information necessary to generate the eligibility statement.

(10) The lifecycle of a MO LIHTC is represented as follows:

(A) Commission staff generates a draft QAP, from time-to-time, which is approved by the commission to post for public comment;

(B) The QAP is posted for public comment;

(C) Commission staff holds public hearings;

(D) The commission considers public comments and adopts a final QAP;

(E) The commission approves a NOFA, which identifies the amount of federal and MO LIHTC available;

(F) Applications are received by individuals and entities seeking to participate under the NOFA;

(G) The commission staff seeks out input from the applicable Missouri state representative, Missouri state senator, and the chief executive of the municipality in which the development resides;

(H) The commission staff conducts public hearings to solicit public comment on proposed applications;

(I) Commission staff, under the supervision of the director of rental production, receives and analyzes the applications and makes recommendations to the commission;

(J) The commission votes to approve the development(s);

(K) The commission staff sends the applicants who were approved by the commission a conditional reservation and, if applicable, a carryover;

(L) The applicant provides commission staff with the firm submission requirement documents and demonstrations of development progress;

(M) Commission staff will prepare a firm commitment following review and approval of firm submission items, making adjustments where necessary;

(N) Commission staff prepares and facilitates the recording of the LURA. The LURA will be recorded at the time the applicant closes into their partnership and prior to any debt instruments;

(O) Commission staff will agree to the draft of the partnership agreement or operating agreement prior to execution by the parties thereto;

(P) Construction shall not commence on the development prior to the execution of the partnership agreement or operating agreement;

(Q) Commission staff monitors construction of the development;

(R) Commission staff requires a cost certification which reflects the amount of credit which is allocated to the transaction for the first year, following construction completion and prior to issuing an initial eligibility statement; and

(S) Commission staff will issue an eligibility statement each year of the period for which the taxpayer will receive MO LIHTC.

(11) If there is any recapture of the federal LIHTC, there is an equal recapture of the MO LIHTC. The taxpayer is required to provide commission staff with correspondence received regarding federal

LIHTC recapture, including, but not limited to, a final notice of any recaptured federal LIHTC. Furthermore, the taxpayer shall also provide commission staff with an annual report which identifies the amount of federal LIHTC the taxpayer determines they were not entitled to claim during the preceding tax year. This information shall be provided in a form the commission staff shall prescribe from time-to-time.

(12) The director of the Missouri Department of Revenue or the director of the commission may require the filing of additional documentation necessary to determine the accuracy of a tax preference claimed.

AUTHORITY: sections 215.030(5), (12), and (19), and 135.359, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 6—Missouri Low Income Housing Tax Credit**

PROPOSED RULE

4 CSR 170-6.200 Additional Missouri Low Income Housing Tax Credit Requirements

PURPOSE: The purpose of this rule is to provide information to taxpayers subject to the Tax Credit Reporting Act of 2004 and to address the applicability of relocation to a Missouri low income housing tax credits (MO LIHTC) development.

(1) In addition to the requirements identified in section 135.802(6), RSMo, a taxpayer receiving Missouri low income housing tax credits (MO LIHTC) shall provide to the Missouri Housing Development Commission (commission) evidence of the relocation requirements, as set forth in section 523.205, RSMo.

(2) The taxpayer shall provide the commission with a determination of projected labor costs under section 135.802(6), RSMo, by using the actual labor costs or by way of a construction cost estimator similar to the RS Means Contractors Pricing Guide.

(3) All reporting under section 135.805(1), RSMo, is due on the last day of the annual reporting period, which is deemed to end on June 30 of each year. All developments must provide three (3) full years of reports under this section. The report shall be filed in the form, manner, and within the timing requirements required by statute.

AUTHORITY: sections 215.030(5), (12), and (19), and 135.359, RSMo 2000. Original rule filed May 24, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED RULE

11 CSR 45-9.115 Minimum Internal Control Standards—Section O

PURPOSE: This rule establishes the minimum internal control standards for purchasing and contract administration.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Section O—Purchasing and Contract Administration*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Section O does not incorporate any subsequent amendments or additions as adopted by the commission on May 26, 2010.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.800 and 313.805, RSMo Supp. 2009. Original rule filed May 27, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for August 11, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 38—Adoption and Guardianship

PROPOSED RULE

13 CSR 35-38.011 Definition of Guardianship Services

PURPOSE: This rule defines guardianship services.

(1) Guardianship services are defined as assessment and evaluation of the child and his/her needs; arrangements for care of the child prior to guardianship placement; placement of the child with an approved guardianship provider; placement support activities until the guardianship is legally completed; pre- and post-guardianship counseling to the natural parent and the guardian(s) regarding the guardianship arrangement; legal services associated with completing a guardianship; medical, dental, psychiatric, or psychological services for the child as needed; and subsidized guardianship.

AUTHORITY: section 453.072, RSMo Supp. 2009. Original rule filed May 27, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Social Services, Children's Division, PO Box 88, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 38—Adoption and Guardianship

PROPOSED RULE

13 CSR 35-38.021 Provision of Guardianship Services

PURPOSE: This rule sets criteria for provision of guardianship services.

(1) The Children's Division shall accept home assessments from families having an approved family assessment completed by the division, or other licensed child-placing agencies; registration of children designated as available for placement; and will cooperate with other state, regional, and national exchanges in the registration of children with special needs.

(2) The Children's Division shall provide subsidized guardianship services to children who are considered to have special needs and who have no other financial resources or limited financial resources.

(3) In order for a child to be determined eligible for subsidized guardianship services, he/she shall meet one (1) or more of the following conditions:

(A) Physical Handicap. Any physical abnormality or condition, whether congenital or not, which requires or is likely to require treatment or the purchase of special equipment or services;

(B) Intellectual Impairment. Mental development below an IQ of eighty (80) or other intellectual dysfunction as documented by psy-

chological testing;

(C) Racial or Ethnic Minority. The child's ancestry is not Caucasian; and

(D) Other Conditions.

1. Age. The child is five (5) years old or older and has not reached the age of eighteen (18).

2. Member of a sibling group. Two (2) or more children who are siblings and are being placed with the same guardian.

3. Developmental disability. Any documented physical or mental condition not otherwise listed which prevents the child from functioning at the normal level for his/her age.

4. Mental or emotional disturbance. A diagnosed and documented condition which impairs the child's mental functioning, including learning dysfunctions.

5. Social maladjustment. A severe behavioral condition or inadequate social development which interferes with the child's ability to form satisfactory relationships with others.

(4) In order for a guardian to be eligible for subsidy, he/she shall be a grandparent or great-grandparent, aunt or great-aunt, uncle or great-uncle, adult sibling, or adult first cousin of the child who has been approved as a guardianship placement by the Children's Division, a licensed or approved child placing agency; or for a family residing outside Missouri, a governmental child placing agency or a licensed or approved child placing agency in that state; and shall cooperate in providing information for the division to reach an agreement with the guardian regarding the amount of services, length of time of services, and types of services for which the division will make a subsidy payment and shall sign an agreement specifying the terms of the guardianship subsidy.

AUTHORITY: section 453.072, RSMo Supp. 2009. Original rule filed May 27, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Social Services, Children's Division, PO Box 88, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division [40]35—[Family Support Division]
Children's Division
Chapter 38—Adoption and Guardianship

PROPOSED AMENDMENT

[13 CSR 40-38.010] 13 CSR 35-38.030 Definition of Adoption Services

PURPOSE: This amendment relocates the rule defining adoption services from Division 40, the Family Support Division, to Division 35, the Children's Division, and redefines the term "adoption services."

(1) Adoption services are defined as assessment and evaluation of the child and his/her needs; arrangements for care of the child prior to adoptive placement; placement of the child with an approved adoptive family; placement support activities until the adoption is legally completed; pre- and post-adoptive counseling to natural and adoptive

parents regarding adoption; legal services associated with freeing a child for adoption; recruitment, assessment, approval, and selection of appropriate adoptive family resources; medical, dental, psychiatric, or psychological services for the child as needed; subsidized adoption; *[ADOPTLINE; administration of the Adoption Exchange of Missouri;]* and cooperation with other state, regional, and national adoption exchanges or photo-listing services for the purpose of assuring permanent care of children.

AUTHORITY: *section 207.020, RSMo [1986] 2000. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed May 27, 2010.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Social Services, Children's Division, PO Box 88, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40/35—[Family Support Division]
Children's Division
Chapter 38—Adoption and Guardianship**

PROPOSED AMENDMENT

[13 CSR 40-38.020] 13 CSR 35-38.040 Provision of Adoption Services

PURPOSE: *This amendment amends the criteria for provision of adoption services and relocates said criteria from Division 40, the Family Support Division, to Division 35, the Children's Division.*

(1) The *[Division of Family Services, in administering the Adoption Exchange of Missouri,]* **Children's Division** shall accept *[registration of families]* **home assessments from families** having an approved adoptive family assessment completed by the division, or other licensed child-placing agencies; registration of children designated as available for adoptive placement; and will cooperate with other state, regional, and national exchanges in the registration of children with special needs.

(2) The *[Division of Family Services]* **Children's Division** shall provide subsidized adoption services to children who are considered to have special needs and who have no other financial resources or limited financial resources.

(3) *[A]* **In order for a child to be determined** *[as previously unadoptable and]* eligible for subsidized adoption services, **he/she** shall meet one (1) or more of the following conditions:

(B) Intellectual Impairment. Mental development below an IQ of eighty (80) or other intellectual dysfunction as documented by psychological testing;

(4) *[A]* **In order for a family to be eligible for subsidy, they** shall be approved for adoptive placement by the Missouri *[Division of Family Services]* **Children's Division**, a licensed or approved child-placing agency; or for a family residing outside Missouri, a governmental child-placing agency or a licensed or approved child-

placing agency in that state; and shall cooperate in providing information for the division to reach an agreement with the family regarding the amount of **services**, length *[or]* of time of **services**, and the **types** of services for which the division will make a subsidy payment; and shall sign an agreement specifying the terms of the adoption subsidy.

AUTHORITY: *section 207.020, RSMo [1986] 2000. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed May 27, 2010.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Social Services, Children's Division, PO Box 88, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

PROPOSED AMENDMENT

13 CSR 70-3.020 Title XIX Provider Enrollment. The division is amending the purpose statement and sections (1)–(12).

PURPOSE: *This amendment adds provider direct deposit requirements, changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, and updates the names of referenced forms.*

PURPOSE: *This rule establishes the basis on which providers and vendors of health care services under [Title XIX Medicaid Programs] the MO HealthNet program may be admitted to or denied enrollment in the program and lists the grounds upon which enrollment may be denied.*

(1) The following definitions will be used in administering this rule:
(A) Affiliates—Persons having an overt, covert, or conspiratorial relationship so that any one of them directly or indirectly controls or has the power to control another;

(B) Applying provider—Any person who has submitted a *[n]* **provider enrollment** application or request for enrollment in the *[Missouri Title XIX Medicaid P/MO HealthNet program]*;

(C) Closed-end provider agreement—An agreement that is for a specific period of time not to exceed twelve (12) months and that must be renewed in order for the provider to continue to participate in the *[Medicaid]* **MO HealthNet** program;

(D) Fiscal agent—An organization under contract to the state *[Medicaid]* **MO HealthNet** agency for providing services in the administration of the *[Medicaid]* **MO HealthNet** program;

(E) Limited provider agreement—The granting of *[Medicaid]* **MO HealthNet** enrollment to an applying provider by the single state agency upon the condition that the applying provider perform services, deliver supplies, or otherwise participate in the program only in adherence to or subject to specially set out conditions agreed to by the applying provider prior to enrollment;

(H) Participation—The ability and authority to provide services or merchandise to eligible *[Medicaid recipients]* **MO HealthNet participants** and to receive payment from the *[Medicaid]* **MO HealthNet** program for the services or merchandise;

(I) Provider—Any person having an effective, valid, and current written provider *[agreement]* **enrollment application and application for provider direct deposit** with the *[Medicaid]* **MO HealthNet** agency for the purpose of providing services to eligible *[recipients]* **participants** and obtaining reimbursement excluding, for the purposes of this rule only, all persons receiving reimbursement in their capacity as owners or operators of a licensed nursing home;

(J) Provider enrollment application—A signed writing utilizing forms specified by the single state agency, containing all applicable information requested and submitted by a provider of medical assistance services for the purpose of enrolling in the *[Missouri Title XIX Medical Assistance P/MO HealthNet]* program;

(K) Person—Any natural person, partnership, corporation, not-for-profit corporation, professional corporation, or other business entity; *[and]*

(L) Termination from participation—The ending of participation in the Medicaid program~~/~~; **and**

(M) **Application for provider direct deposit**—A signed writing utilizing forms specified by the single state agency containing all applicable information requested and submitted by a provider of medical assistance services for the purpose of having **MO HealthNet** checks automatically deposited to an authorized bank account.

(2) Duties of the Single State Agency.

(A) Upon receiving a provider enrollment application **and application for provider direct deposit**, the single state agency shall record receipt of the applications and conduct whatever lawful investigation which, in the discretion of the *[Medicaid]* **MO HealthNet** agency, is necessary to verify, supplement, or change the information contained in the application.

(B) If, in the discretion of the *[Medicaid]* **MO HealthNet** agency, further information is needed from the applying provider to verify or supplement a/n/ **provider enrollment application or application for direct deposit**, the *[Medicaid]* **MO HealthNet** agency shall immediately make a clear and precise request to the provider for the information and inform the prospective provider whether or not the applications will be withheld pending receipt of the requested information.

(C) The single state agency, within ninety (90) calendar days after receiving an application, shall complete its investigation and determine whether to deny or allow enrollment of the applying provider. The *[Medicaid]* **MO HealthNet** agency's decision shall be made known to the applying provider within ninety-five (95) calendar days after the application was received by the agency. A denial of enrollment shall be made known to an applying provider giving the reason(s) for the denial in writing. The written notice of denial will be effective upon the date it is mailed by the single state agency to the address entered on the application by the provider.

(D) In the event that *[an]* the applications cannot be fully investigated by the single state agency within ninety (90) days of *[its]* receipt, the *[Medicaid]* **MO HealthNet** agency, upon written notice to the applying provider, may extend the time for conducting the investigation for a period not to exceed one hundred twenty (120) calendar days from the date of receipt of the applications by the *[Medicaid]* **MO HealthNet** agency. The *[Medicaid]* **MO HealthNet** agency must send the notice of delay to the applying provider within sixty (60) calendar days from the time the application in question was received.

(3) The single state agency, at its discretion, may deny or limit an applying provider's enrollment and participation in the *[Missouri*

Title XIX Medicaid P/MO HealthNet program for any one (1) of the following reasons:

(B) Previous or current involuntary surrender, removal, termination, suspension, ineligibility, or otherwise involuntary disqualification of the applying provider's Medicaid participation in Missouri or any other state of the United States;

(C) Previous or current involuntary surrender, removal, termination, suspension, or otherwise involuntary disqualification from participation in Medicare;

(D) Previous or current involuntary surrender, removal, termination, suspension, ineligibility, or otherwise involuntary disqualification from participation in another governmental or private medical insurance program. This includes, but is not limited to, programs such as Workers' Compensation and Special Health Needs. For the purposes of subsections (3)(B)–(D), involuntary surrender, removal, termination, suspension, ineligibility, or other involuntary disqualification shall include withdrawal from medical assistance or medical insurance program participation arising from or as a result of any adverse action by a government agency, licensing authority, or criminal prosecution authority of Missouri or any other state or the federal government including Medicare;

(E) **Regardless of changes in control or ownership**, *[T]*the existence of any amount due the single state agency which is the result of an overpayment under the *[Missouri Title XIX Medicaid P/MO HealthNet]* program of which the applying provider or former owner, regardless of when the services were rendered, has had notice. Any amount due which is the subject of a plan of restitution shall not be considered in applying this section unless the applying provider is in default of the plan of restitution in which case enrollment may be denied or limited;

(F) Previous or current conviction of any crime relating to the applying provider's professional, business, or past participation in Medicaid, Medicare, or any other public or private medical insurance program;

(G) Any civil or criminal fraud against the *[Missouri Medicaid]* **MO HealthNet** program or any other public or private medical insurance program;

(H) Any termination, removal, suspension, revocation, denial or consented surrender, or other involuntary disqualification of any license, permit, certificate, or registration related to the applying provider's business or profession in Missouri or any other state of the United States. Any such license, permit, certificate, or registration which has been denied or lost by the provider for reasons not related to matters of professional competence in the practice of the applying provider's profession, upon proof of reinstatement, shall not be considered by the agency in its decision to enroll the applying providers unless the conduct is harmful or dangerous to the mental or physical health of a patient;

(I) Any false representation or omission of a material fact in making application for any license, permit, certificate, or registration related to the applying provider's profession or business in Missouri or any other state of the United States;

(K) Any previous violation of any regulation or statute relating to the applying provider's participation in the *[Missouri Medicaid]* **MO HealthNet** program;

(L) Failure to supply further information to the single state agency after receiving a written request for further information pursuant to a/n/ **provider enrollment application or application for provider direct deposit**;

(M) Failure to affix a proper signature to a/n/ **provider enrollment application, application for provider direct deposit, or any other enrollment forms**. Submission of any application bearing a signature that conceals the involvement in the provider's operation of a person who would otherwise be ineligible for Medicaid participation shall be grounds for denial of enrollment by the single state agency. Otherwise, the single state agency shall give the applying provider an opportunity to provide a proper signature and, after that, consider the application as if the proper signature was originally affixed;

(O) Placement on the “Family Care Safety Registry” as mandated by sections 210.900–210.936, RSMo; *or*

(P) Placement on the “Missouri Sex Offender Registry” as mandated by sections 589.400–589.425 and 43.650, RSMo.; *or*

(Q) **Failure to complete an application for provider direct deposit as required by 13 CSR 70-3.140.**

(4) After investigation and review of *[an]* the applying provider’s **provider enrollment** application *[for enrollment]* and **application for provider direct deposit** and consideration of all the information, facts, and circumstances relevant to the applications, including, but not limited to, a review of the applying provider’s affiliates, the single state agency, at its discretion, in the best interest of the *[Medicaid]* **MO HealthNet** program, will make one (1) of the following determinations:

(B) Deny or limit the application of an applying provider based on the abuse, fraud, or deficiencies of an affiliate, provided that each decision to deny or limit is based on a case-by-case evaluation, taking into consideration all relevant facts and circumstances known to the single state agency. The program abuse, fraud, regulatory violation, or deficiencies of a past or present affiliate of an applying provider may be imputed to the applying provider where the conduct of a past or present affiliate was accomplished with the knowledge or approval of the applying provider; *or*

(C) Deny or limit the applying provider’s enrollment for one (1) or more of the reasons in subsections (3)(A)–*[(P)]*(Q).

(5) Denial of enrollment shall preclude any person from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation, affiliate, partner, or any other association to the single state agency or its fiscal agents for any services or supplies delivered under the *[Medicaid]* **MO HealthNet** program whose enrollment as a *[Medicaid]* **MO HealthNet** provider has been denied. Any claims submitted by a nonprovider through any clinic, group, corporation, affiliate, partner, or any other association and paid shall constitute overpayments.

(6) No clinic, group, corporation, partnership, affiliate, or other association may submit claims for payment to the single state agency or its fiscal agent for any services or supplies provided by a person within each association who has been denied enrollment in the *[Medicaid]* **MO HealthNet** program. Any claims for payment submitted and paid under these circumstances shall constitute overpayments.

(7) The provider shall advise the single state agency, in writing, on enrollment forms specified by the single state agency, of any changes affecting the provider’s enrollment records within ninety (90) days of the change, with the exception of change of ownership or control of any provider which must be reported within thirty (30) days. The Provider Enrollment Unit within the division is responsible for determining whether a current *[Medicaid]* **MO HealthNet** provider *[number]* **record** shall be *[issued]* **updated** or a new *[Medicaid]* **MO HealthNet** provider *[number]* **record** is *[issued]* **created**. A new *[Medicaid]* **MO HealthNet** provider *[number]* **record** is not *[issued]* **created** for any changes, including, but not limited to, change of ownership, change of operator, tax identification change, merger, bankruptcy, name change, address change, payment address change, Medicare number change, **National Provider Identifier (NPI) change**, or facilities/offices that have been closed and reopened at the same or different locations. This includes replacement facilities, whether they are at the same location or a different location, and whether the Medicare number is retained or if a new Medicare number is issued. If a new provider *[number]* **record** is *[issued]* **created** in error due to change information being withheld at the time of application, the new *[Medicaid]* **MO HealthNet** provider *[number]* **record** shall be made inactive, the existing provider *[number]* **record** will be made active, the existing provider *[number]* **record** shall be updated, and the provider may be subject

to sanction. The division shall issue payments to the entity identified in the current *[Medicaid participation agreement]* **MO HealthNet provider enrollment application**. Regardless of changes in control or ownership, the division shall recover from the entity identified in the current *[Medicaid participation agreement]* **MO HealthNet provider enrollment application** liabilities, sanctions, and penalties pertaining to the *[Medicaid]* **MO HealthNet** program, regardless of when the services were rendered.

(8) *[Medicaid]* **MO HealthNet** provider *[numbers]* **identifiers** are contingent upon the applying provider receiving a favorable determination of compliance with Civil Rights requirements from the Office of Civil Rights (OCR). If OCR approval is not obtained and maintained, any reimbursement received shall be recouped.

(9) The provider is responsible for all services provided and all claims filed using her/his *[Medicaid]* **MO HealthNet** provider *[number]* **identifier** regardless to whom the reimbursement is paid and regardless of whom in her/his employ or services produced or submitted the *[Medicaid]* **MO HealthNet** claim, or both. The provider is responsible for submitting proper diagnosis codes, procedure codes, and billing codes. When the length of time actually spent providing a service (begin and end time) is required to be documented, the provider is responsible for documenting such length of time by documenting the starting clock time and the end clock time, except for services as specified pursuant to 13 CSR 70-91.010(4)(A), Personal Care Program, regardless to whom the reimbursement is paid and regardless of whom in the provider’s employ or services produced or submitted the *[Medicaid]* **MO HealthNet** claim.

(10) *[Medicaid]* **MO HealthNet** provider *[numbers]* **identifiers** shall not be released to any non-governmental entity, except the enrolled provider, by the *[Division of Medical Services]* **MO HealthNet Division** or its agents.

(11) *[Medicaid]* **MO HealthNet** reimbursement shall not be made for any services performed by an individual not enrolled as a *[Missouri Medicaid]* **MO HealthNet** provider, except for those services performed by the employee of the enrolled provider who is acting within their scope of practice and under the direct supervision of the enrolled provider. For example, an enrolled psychology or therapy provider may only bill for services that they actually perform. Psychology, therapy, and psychiatric services reimbursed through the physician program do not allow billing for supervised services.

(12) A provider that receives payment or makes payment of five (5) million dollars or more in a federal fiscal year under the *[Missouri Medicaid]* **MO HealthNet** program must annually attest that the provider complies with the provisions of section 6032 of the federal Deficit Reduction Act of 2005. If a provider furnishes items or services at more than a single location or under more than one (1) contractual or other payment arrangement, the provisions apply to that provider if the aggregate payments total five (5) million dollars or more. A provider meeting this dollar threshold and having more than one (1) federal tax identification number shall provide the single state agency written notification of each associated federal tax identification number, each associated provider name, and each associated *[Medicaid]* **MO HealthNet** provider *[number]* **identifier** by September 30 of each year. The provider’s annual attestation must be made by March 1 of each year. The provider must provide a copy of the attestation within thirty (30) days upon the request of the single state agency. Any provider that claims an exemption from the provisions of section 6032 of the federal Deficit Reduction Act of 2005 must provide proof of such exemption within thirty (30) days upon the request of the single state agency.

AUTHORITY: sections 208.159, 208.164, and 210.924, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2009. This rule

was previously filed as 13 CSR 40-81.165. Original rule filed June 14, 1982, effective Sept. 11, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 1, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

PROPOSED AMENDMENT

13 CSR 70-3.140 Direct Deposit of Provider Reimbursement. The division is amending the purpose statement and sections (1)–(4) and deleting section (5) and the forms that follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment requires enrolled MO HealthNet providers to have their MO HealthNet reimbursement automatically deposited in an authorized bank account, updates Missouri Medicaid to MO HealthNet, and changes the name of the administering agency from Division of Medical Services to MO HealthNet Division.

PURPOSE: This rule describes the procedures for the direct deposit of [Medicaid (Title XIX)] MO HealthNet provider payments. This [option will decrease the amount of time required to receive funds through the mail and] requirement is being implemented due to the reduction and consolidation of Department of Social Services' mail room staff with the Office of Administration; handling, cost for postage, printing, and mailing paper checks; and will eliminate the cost of returned or lost checks.

(1) Effective [November 1, 1993] **October 1, 2010**, the [Missouri Medicaid program] MO HealthNet Division will [offer] **require** enrolled providers [the option of having] to have their [Medicaid (Title XIX)] MO HealthNet checks automatically deposited to an authorized bank account.

(2) [Medicaid] MO HealthNet providers [electing to participate in the direct deposit option] must complete the Application for Provider Direct Deposit Form MO 886-3089 **available on the MO HealthNet Division website at www.dss.mo.gov/mhd**, unless otherwise agreed upon by the Department of Social Services.

(A) The completed application authorizes the Office of Administration to deposit [Medicaid] MO HealthNet payments into an authorized checking or savings account.

(C) Direct deposit will begin following:

1. Submission of a properly completed application form to the Department of Social Services, **MO HealthNet Division**;
2. The successful processing of a test transaction through the

banking system; and

3. Authorization to make payment using the direct deposit option by the [Division of Medical Services] **MO HealthNet Division**.

(3) All direct deposit applications must be signed **with an original signature** by the provider enrolled in the [Medicaid] MO HealthNet program when that provider is an individual. [Signature stamps will not be accepted.] Applications on behalf of groups or businesses (except those described in this rule) must be signed **with an original signature** by the individual (officer) with fiscal responsibility for the group or business. [Applications for nursing homes, hospitals, independent laboratories and home health agencies must be signed by an individual listed on the disclosure of ownership form (HCFA-1513) in section III(a) or in the Remarks section of the form.] **Signature stamps or other facsimiles will not be accepted.**

(4) The [Division of Medical Services] **MO HealthNet Division** will terminate or suspend the direct deposit option for administrative or legal actions, including, but not limited to, ownership change, duly executed liens or levies, legal judgments, notice of bankruptcy, administrative sanctions for the purpose of ensuring program compliance, death of a provider, and closure or abandonment of an account.

[15] Effective February 1, 1994, the Division of Medical Services will no longer allow providers or their representatives to accept delivery of the Medicaid checks in person. All checks will be direct deposited or mailed.]

AUTHORITY: section 208.201, RSMo Supp. [1987] **2009**. Original rule filed Oct. 4, 1993, effective June 6, 1994. Amended: Filed June 1, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

PROPOSED AMENDMENT

13 CSR 70-3.160 Electronic Submission of [Medicaid] MO HealthNet Claims and Electronic Remittance Advices. The division is amending the title, purpose statement, and sections (2)–(10) and adding sections (11) and (12).

PURPOSE: This amendment adds provision for electronic remittance advices to be retrieved electronically, updates Missouri Medicaid to

MO HealthNet, changes the name of the administering agency from Division of Medical Services to MO HealthNet Division, and revises program recipient to participant.

PURPOSE: *This rule implements the requirement that claims for reimbursement by the [Missouri Medical Assistance Program (Medicaid)] MO HealthNet program be submitted electronically and remittance advices be retrieved electronically.*

(2) Electronic submission of [Medicaid] MO HealthNet claims for services rendered under the [Medicaid] MO HealthNet program is required. A [Missouri Medicaid] MO HealthNet claim may be paid only if submitted as an electronic claim for processing by the Medicaid Management Information System.

(A) To utilize the Internet for electronic claim submissions, the provider must apply online via the Application for [Missouri Medicaid] MO HealthNet Internet Access Account link.

(C) The enrolled [Medicaid] MO HealthNet provider shall be solely responsible for the accuracy and authenticity of said electronic media claims submitted, whether submitted directly or by an agent.

(D) The enrolled [Medicaid] MO HealthNet provider shall agree that services described on the electronic media claim are true, accurate, and complete.

(E) The enrolled [Medicaid] MO HealthNet provider certifies that services described on the electronic media claim are personally rendered by the provider.

(3) State-required supporting documentation (paper attachments) must be maintained at the place of service for auditing purposes.

(A) The failure of the enrolled [Medicaid] MO HealthNet provider to keep or furnish, or both, such information shall constitute grounds for the disallowance and recoupment of all applicable charges or payments.

(B) The enrolled [Medicaid] MO HealthNet provider shall be responsible for refund of any payments that result from claims being paid inappropriately or inaccurately.

(4) Medical record documentation shall support the medical necessity of the service being provided as well as the frequency of the service. The provider shall establish and maintain a record containing the signature of each [recipient] participant of service furnished by the [Medicaid] MO HealthNet enrolled provider or, when applicable, the signature of a responsible person made on behalf of the [recipient] participant. Clinical laboratories, radiologists, and pathologists are exempt from the requirement that a [Medicaid] MO HealthNet enrolled provider establish and maintain a record containing the signature of each [recipient] participant of service. A physician's order shall be documented in the medical record. Clinical laboratories, radiologists, and pathologists shall maintain a record of the ordering physician for a [Medicaid] MO HealthNet service for which they request reimbursement.

(A) The failure of the enrolled [Medicaid] MO HealthNet provider to keep or furnish, or both, such information shall constitute grounds for the disallowance and recoupment of all applicable charges or payments.

(B) The enrolled [Medicaid] MO HealthNet provider shall be responsible for refund of any payments that result from claims being paid inappropriately or inaccurately.

(5) The provider shall keep such records, including original source documents, as are necessary to disclose fully the nature and extent of services provided to [recipients] participants under the [Missouri Medical Assistance (Medicaid) Plan] MO HealthNet program and to furnish information regarding any payment of claims for providing such services as the [Division of Medical Services] MO HealthNet Division, or its designee, may request. The enrolled [Medicaid] MO HealthNet provider agrees that the service was

medically necessary for the treatment of the condition as indicated by the diagnosis and shall maintain records, including source documents, to verify such.

(A) The failure of the enrolled [Medicaid] MO HealthNet provider to keep or furnish, or both, such information shall constitute grounds for the disallowance and recoupment of all applicable charges or payments.

(B) The enrolled [Medicaid] MO HealthNet provider shall be responsible for refund of any payments that result from claims being paid inappropriately or inaccurately.

(6) The enrolled [Medicaid] MO HealthNet provider must identify and bill third party insurance and Medicare coverage prior to billing [Medicaid] MO HealthNet.

(7) Sufficient security procedures must be in place to ensure that all transmissions of documents are authorized and protect [recipient] participant specific data from improper access.

(8) The provider is responsible for assuring that electronic billing software purchased from any vendor or used by a billing agent complies with billing requirements of the [Medicaid] MO HealthNet program and shall be responsible for modifications necessary to meet electronic billing standards.

(9) The enrolled [Medicaid] MO HealthNet provider agrees to accept as payment in full the amount paid by [Medicaid] MO HealthNet for the electronic media claims submitted for payment.

(10) The submission of an electronic media claim is a claim for [Medicaid] MO HealthNet payment.

(A) Any person who, with intent to defraud or deceive, makes, causes to be made, or assists in the preparation of any false statement, misrepresentation, or omission of a material fact in any claim or application for any claim, regardless of amount, knowing the same to be false, is subject to civil or criminal sanctions, or both, under all applicable state and federal statutes.

(11) "Electronic remittance advice" means a remittance that is retrieved via electronic media.

(12) The enrolled MO HealthNet provider agrees to retrieve his/her remittance advice via electronic media.

(A) To utilize the Internet for electronic remittance advice retrieval, the provider must apply online via the Application for MO HealthNet Internet Access Account link.

(B) Each user is required to complete this online application to obtain a user ID and password.

(C) Sufficient security procedures must be in place to ensure that all transmissions of documents are authorized and protect participant specific data from improper access.

AUTHORITY: *sections 208.153 and 208.201, RSMo [2000] Supp. 2009. Original rule filed April 29, 2005, effective Nov. 30, 2005. Amended: Filed June 1, 2010.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered,*

*comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

3 CSR 10-7.417 Ruffed Grouse: Seasons, Limits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2010 (35 MoReg 639). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-8.505 Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 639). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-8.515 Furbearers: Trapping Seasons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 639–640). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.353 Privileges of Class I and Class II Wildlife
Breeder is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 640). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.722 Resident Roe Fish Commercial Harvest Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 640-641). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.724 Nonresident Mississippi River Roe Fish Commercial Harvest Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 641). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing; Commercial Waters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 641). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.743 Commercial Establishments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 641-642). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.109 Closed Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 642). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 642). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 642-643). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.130 Fishing, General Provisions and Seasons
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 643). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.135 Fishing, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 643-644). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.140 Fishing, Daily and Possession Limits
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 644). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 644-645). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-1.010 Organization and Activities is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2010 (35 MoReg 527). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development

Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-1.100 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 527-528). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization
ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-1.200 Organization and Activities is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 528-529). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy
ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 529-530). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy
ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development

Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 170-8.020 Parties to Which These Regulations Apply
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 530-531). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy
ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.030 Verification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 531). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy
ORDER OF RULEMAKING**

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.040 Business with Excluded Parties is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 531-532). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy
ORDER OF RULEMAKING**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.050 Disclosure of Information to MHDC or Other Appropriate Officials (Voluntary vs. Involuntary) **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 532). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.060 Causes for Debarment of a Person(s) **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 532–533). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.070 Conditions Affecting the Debarment of a Person(s) **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 533–534). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.080 Period of Debarment **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 534). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.090 Scope and Effect of Debarment **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 534–535). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.100 Causes for Suspension of a Person(s) **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 535). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.110 Conditions Affecting the Suspension of a Person(s) **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 535). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.120 Period of Suspension **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 535-536). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.130 Scope of Suspension **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 536). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective

thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.140 Suspension and Debarment Procedures **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 536-538). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.150 Prohibited Activities of Persons; Reporting Requirements **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 538). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-8.160 Discretion **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2010 (35 MoReg 538-539). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 394.160, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 207-209). The sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended March 5, 2010, and a public hearing on the proposed amendment was held March 8, 2010. Timely written comments were received from the staff of the Missouri Public Service Commission, Empire District Electric Company (Empire), Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCPL), the Association of Missouri Electric Cooperatives (AMEC), and Union Electric Company d/b/a AmerenUE. In addition, the commission's staff, AMEC, and AmerenUE offered comments at the hearing. The comments proposed various modifications to the amendment.

COMMENT #1: Changes to subsection (1)(B): At the hearing, staff suggested changes to the new subsection (1)(B) that would make the subsection read as follows:

Monthly as-burned fuel report for each carbon based fuel generating unit, including the ending inventory balance, the amount of each type of fuel consumed, the British thermal unit (Btu) value of each fuel consumed, the average cost per unit burned broken into fixed and variable components, and the blending percentages (if applicable).

Staff indicates it is currently getting this additional information from most utilities, but would like to include the requirement in the rule.

No one commented on the substance of the change, but AmerenUE pointed out that staff's proposal to amend this section would be procedurally inappropriate because the proposed change was not published in the proposed amendment and thus the public has not had an opportunity to review and comment on the new language.

RESPONSE: The commission believes that staff's proposed change should receive public comment before being implemented. Therefore, the commission will not change this aspect of the amendment.

COMMENT #2: Changes to subsection (1)(J): The existing rule requires an electric utility to submit to staff the terms of certain new contracts that require the utility to expend more than one hundred thousand dollars (\$100,000). KCPL proposed that the one hundred thousand dollars (\$100,000) threshold be increased to two hundred thousand dollars (\$200,000). Staff supported the change proposed by KCPL.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with KCPL's comment and will modify the amendment in the manner proposed by KCPL.

COMMENT #3: Changes to Section (2): Section (2) is being amended to require electric utilities to provide the information required in subsections (1)(A) through (I) in an electronic format from which the data can be easily extracted for analysis in spreadsheet or database software. KCPL asks that that requirement not go into effect until January 2011 to allow time to facilitate planning, budgeting, and programming of changes needed to provide that information in that form. Staff opposes the delay requested by KCPL.

RESPONSE: The amendment's requirement that electric utilities submit data in a format that will allow staff to easily analyze that data should not impose an undue burden on the utilities. The commission will not delay the implementation of this requirement, and no change is made as a result of these comments

COMMENT #4: Changes to subsection (3)(A): This subsection requires electric utilities to report details of any accident or event at a power plant that causes injury, death, or more than two hundred thousand dollars (\$200,000) in property damage, up from one hundred thousand dollars (\$100,000) in the existing rule. The amendment also adds a requirement that the electric utility submit either a detailed investigative report or, if the investigation is not complete, a draft of a plan for its investigation, within ninety (90) days. AmerenUE is concerned that it would be a poor use of its employees' time to prepare a "detailed investigative report" within ninety (90) days and asks the commission to remove that requirement. Empire also contends ninety (90) days is too aggressive and believes the two hundred thousand dollar (\$200,000)-reporting threshold is too low. Staff supports the amended subsection as published.

RESPONSE: The commission believes that any electric utility that experiences an accident or event at a power plant that results in two hundred thousand dollars (\$200,000) in property damage is likely to undertake a detailed investigation into that accident or event regardless of whether it is required to do so by a commission regulation. Therefore, the reporting requirement will not be unduly burdensome. Similarly, the ninety (90)-day reporting requirement is not unduly burdensome, as it does not require the report to be completed in ninety (90) days, instead allowing the electric utility to merely submit a draft plan for the investigation within that time. The commission will not modify the amendment.

COMMENT #5: Changes to subsection (3)(C): This subsection requires electric utilities to report forced outages of any fossil-fired generating unit when the outage is expected to last more than three (3) days. Currently the subsection requires a report when the affected unit would constitute twenty percent (20%) or more of the utility's accredited capacity. The proposed amendment would require a report when the affected unit's capacity is greater than one hundred (100) megawatts. Empire complains that this change would increase its reporting requirement from just one (1) unit constituting at least twenty percent (20%) of its capacity to seven (7) units that are greater than one hundred (100) megawatts. Staff responded that the amendment is designed to require utilities to file outage reports on more of their plants.

RESPONSE: The commission agrees with its staff. A three (3)-day or longer forced outage of any fossil-fired plant greater than one hundred (100) megawatts is a significant event about which the commission's staff should be informed. The rule's requirement of a phone call and a written follow-up five (5) days later will not impose an undue burden on the electric utility. The commission will not modify the amendment.

COMMENT #6: Changes to section (4): This section requires electric utilities and electric cooperatives to notify the commission of certain accidents or events. The section includes subsections (A), (B),

and (C) that will be addressed separately. KCPL suggests that a provision be added to section (4) that would waive the reporting requirements if they were already required to be reported in a similar but separate report, and suspend the requirement during an extraordinary operation event. Staff replied that it knows of no other rule that would require such accidents or events to be reported. Staff also does not support suspending the reporting requirements during an extraordinary operation event.

More generally, AMEC asks that the commission exclude the cooperatives entirely from the reporting requirements of this section because it believes cooperatives are less likely to require extensive safety regulation.

Finally, AMEC commented at the hearing that the last sentence of section (4) contains a reference to "incident," when everywhere else in the rule, the term used is "accident or event." AMEC does not ask that "accident or event" be changed to "incident," but advises the commission to make the references consistent.

RESPONSE: The commission is not aware of any duplicative reporting requirements that would eliminate the need for an electric utility or cooperative to report under this rule. Therefore, KCPL's proposed language is unnecessary. The commission is mindful of KCPL's concern that electric utilities and cooperatives might have difficulty notifying the commission of accidents or events that occur during an extensive outage following a major storm or other catastrophe. However, the rule only requires the electric utility or cooperative to place a phone call to the commission's staff, followed by a written report ten (10) business days later. That requirement will not be unduly burdensome even during a major outage.

Section 394.160, RSMo 2000, requires the commission to regulate the transmission and distribution systems operated by an electric cooperative to the extent necessary to protect public safety. The reporting requirements contained in this rule relate to public safety and are necessary to allow the commission to be aware of possible problems on those transmission and distribution systems when they occur. The commission will not exempt the cooperatives from these reporting requirements.

AMEC's reference to "incident" in the last sentence of section (4) was apparently based on a review of the proposed amendment as it appeared in the commission's electronic filing system. Fortunately, that error was corrected in the proposed amendment as published in the *Missouri Register*. Therefore, no change is necessary.

COMMENT #7: Changes to subsection (4)(A): This subsection requires an electric utility or cooperative to notify the commission of injuries to employees or other persons that result from contact, arc, or flash that result in hospitalization or death. AMEC would limit the reporting requirement to injuries that result in "immediate" admission to a hospital. It is concerned that an injury that does not result in an "immediate" hospitalization might not come to the attention of the electric utility or cooperative. Staff opposes the "immediate" language as overly restrictive.

AmerenUE points out that subsection (A) does not include the limiting language in subsection (B) that requires a utility or cooperative to report only those incidents of which it has received proper notice, or of which it has actual knowledge. AmerenUE asks that the limiting language in subsection (B) also be made to apply to subsection (A) by moving it into section (4) so that it applies to subsections (A), (B), and (C). Staff supports that change.

RESPONSE AND EXPLANATION OF CHANGE: The commission is mindful of the cooperatives concern about their ability to notify the commission of incidents that result in hospitalization only some time after the incident. However, the rule only requires an electric utility to notify the commission of an incident when it has received "proper notice or has actual knowledge of the accident or event." Whether a victim has been immediately hospitalized or is hospitalized days or weeks later will not affect whether the electric utility has proper notice or actual knowledge of a qualifying accident or event, as it will not become a qualifying accident or event until

the electric utility or cooperative has that proper notice or actual knowledge. Therefore, the proposed restriction is not necessary.

The commission agrees that the limiting language in subsection (B) should also apply to subsections (A) and (C) and will move that language into section (4), as proposed by AmerenUE.

COMMENT #8: Changes to subsection (4)(B): This subsection expands the reporting requirement to include accidents or events believed to have occurred on the customer's side of the meter. AMEC and AmerenUE ask the commission to remove this requirement entirely. They are concerned that events that occur on the customer's side of the meter are beyond the control, and frequently beyond the knowledge, of the electric utility or cooperative.

More specifically, AMEC and AmerenUE, as well as Empire, are concerned that the rule is not clear about who should report an incident that occurs in an area served by more than one (1) service provider. For example, an incident may involve a cooperative's customer but the suspected current may have flowed from an AmerenUE transmission line across the road. AMEC proposed to remedy this confusion by inserting the term "at a premises" where it supplies power in place of "within areas" where it supplies power. The idea is to limit the reporting requirement to incidents involving a premises served by the cooperative or utility. That way, AmerenUE would report an incident that occurred at premises it serves and the cooperative would report an incident that occurred at premises it serves. Staff agreed that the rule should clearly define which entity should report an incident.

AMEC and AmerenUE are also concerned about the provision that requires them to report incidents on the customer's side of a meter that are reported to them. They would limit the requirement to report to those incidents for which they have received "credible notice from a competent source." Staff believes that language is too restrictive and supports keeping the current "proper notice" requirement.

RESPONSE AND EXPLANATION OF CHANGE: The commission is aware that electric utilities and cooperatives usually cannot control what happens on the customer's side of the meter and that they may not even be aware of accidents or events that occur on the customer's side of the meter. That is why the rule only requires an electric utility or cooperative to tell the commission about such accidents or events when the utility or cooperative becomes aware of them. The commission is amending this rule to avoid a repeat of a situation where the commission learned about such an accident only from newspaper reports of a large civil judgment against an electric utility for an accidental electrocution that the utility contended was caused by electric current originating on the customer's side of the meter. The commission will not eliminate this requirement of the amendment.

The commission shares the commenters' concern that the rule must clearly establish responsibility for which entity will report an accident or event. For that reason, the commission will modify the amendment as recommended by AMEC by inserting "at locations" instead of "within areas," and by changing the source "of the problem" to the source "of the electric current."

The commission does not expect electric utilities or cooperatives to report accidents or events of which they are not aware. The purpose of this rule is to ensure that electric utilities and cooperatives share the information they possess with the commission's staff. The phrase "proper notice" is sufficient to meet that requirement and the proposed modification to "credible notice from a competent source" is not necessary and will not be included in the amendment.

COMMENT #9: Changes to subsection (4)(C): This subsection is a catch-all provision that would require an electric utility or cooperative to report any other accident or event that it considers significant. AMEC suggests changes clarifying that the provision applies to property damage considered significant by management of the utility or cooperative. KCPL and AmerenUE suggest the subsection be

removed because it is vague, potentially overly broad, and does not add any requirements not already covered by subsection (4)(A) or (4)(B). Staff would modify the subsection to remove the words “accident or event resulting from,” but wants to keep the catch-all provision so that electric utilities and cooperatives would still be required to report electrical contact, arc, or flash that they find significant.

RESPONSE AND EXPLANATION OF CHANGE: The commission will make the modification proposed by staff, but will not otherwise modify the subsection. By its terms, this subsection merely requires the electric utility or cooperative to report any electrical contact, arc, or flash that the utility or cooperative finds significant. Again, this regulation is only designed to require electric utilities and cooperatives to share important information with the commission. The determination of whether to report any electrical contact, arc, or flash as significant under this subsection is entirely within the discretion of the utility or cooperative.

COMMENT #10: Changes to section (5): This section requires an electric utility or cooperative to submit a written report within five (5) days after the discovery of the accident or event. AmerenUE suggests the five (5)-day period for submitting a follow-up report be increased to ninety (90) days so that it would have more time to conduct a follow-up investigation. Staff contends too much information could be lost by waiting ninety (90) days to put anything in writing, but suggests the five (5)-day period be expanded to ten (10).

AMEC proposes to add a waiver provision to section (5) to clarify that the submission of any report under this rule is not an admission of liability or waiver of privilege by the reporting electric utility or cooperative. Staff supports including the proposed admission and waiver language.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that ninety (90) days is too long to wait to have information put in writing. The rule does not require the electric utility or cooperative to submit an extensive investigative report, rather it simply requires the utility or cooperative to submit any additional details known to them at that time. The commission will extend that reporting date from five (5) business days to ten (10) as recommended by staff.

The commission will also include the waiver language proposed by AMEC.

4 CSR 240-3.190 Reporting Requirements for Electric Utilities and Rural Electric Cooperatives

(1) Commencing on September 1, 1991, every electric utility shall accumulate the following information and submit it to the manager of the Energy Department of the commission, or his/her designee, no later than the last business day of the month following the month to be reported and after that on a monthly basis:

(J) The terms of new contracts or existing contracts which will be booked to Accounts 310–346 or Accounts 502–546 of the FERC’s Uniform System of Accounts requiring the expenditure by the electric utility of more than two hundred thousand dollars (\$200,000) including, but not limited to, contracts for engineering, consulting, repairs, and modifications or additions to an electric plant; and

(4) Every electric utility and rural electric cooperative shall notify designated commission personnel by telephone of an accident or event by the end of the first business day following the discovery of any accident or event, provided the utility or rural electric cooperative first has received proper notice or has actual knowledge of the accident or event. Accidents or events that shall be reported shall be those resulting from—

(B) Human contact with electric current of significant voltage at locations where it supplies power or operates energized electrical supply facilities that results in admission to a hospital or the fatality of an employee or other person, even when the source of the electric current is believed to have originated on the customer’s side of the

meter; or

(C) Any other electrical contact, arc, or flash considered significant by the utility or rural electric cooperative.

(5) The electric utility or rural electric cooperative shall submit to designated commission personnel within ten (10) business days following the discovery a written report consisting of an update of the accident or event and any details not available at the time of the initial telephone notification. Neither the notification required by section (4), the submission of the written report required by this section, nor the public availability of either shall be deemed to be an admission or waiver of any privilege of the notifying or reporting electric utility or rural electric cooperative.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 12—Liquor Control

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2009, the commission amends a rule as follows:

11 CSR 45-12.010 Excursion Liquor License Required is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2010 (35 MoReg 467). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on April 7, 2010, and the public comment period ended on March 31, 2010. No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey**

IN ADDITION

10 CSR 23-1-10 CSR 23-6

This In Addition will delete the “Editors Note” from the beginning of Chapters 1-6, and forms will be deleted following Chapter 6. Forms are being removed as they are not actually included in the rules and are often revised to reflect current rules or needs.

The forms to be deleted include the following:

- Testing Application
- Closed Loop Heat Pump Certification Record
- Vehicle Application
- Monitoring Well Certification Record
- Experience Voucher
- Registration Record
- Heat Pump Installation Contractor Application
- Pump Installation Contractor Application
- Water Well Installation Contractor Application
- Water Well Certification and Pump Information Record
- Public Water Supply Notification
- Monitoring/Test Well Installation Contractor Application
- Variance Request Form
- Casing Depth Request
- Test Result Notification
- Affidavit

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174		7534 Heron Drive Neosho, MO 64804	12/17/09	12/17/2009-12/17/2010

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST Abba Homes, LLC, a Missouri limited liability company.

On April 21, 2010, Abba Homes, LLC, a Missouri limited liability company, filed its Articles of Termination with the Missouri Secretary of State. Termination was effective on April 26, 2010.

Said Company requests that all persons and organizations with claims against it present them immediately by letter to the Company at Bryan Cave, LLP Attention: John Polhemus, 1200 Main St, Kansas City, Missouri 64105. All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Abba Homes, LLC any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

NOTICE OF DISSOLUTION To All Creditors and Claimants Against HEARTLAND WALL PANELS, INC. a Missouri Corporation

On May 14, 2010, HEARTLAND WALL PANELS, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution of the corporation was effective on that date.

HEARTLAND WALL PANELS, INC. requests that all persons and organizations who have claims against it present them immediately by letter to HEARTLAND WALL PANELS, INC., 500 Mid America Drive, Plattsburg, MO 64477.

All claims must include the following: the name and address of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred that provided the basis for the claim; and copies of any other supporting data.

Pursuant to Section 351.482 of the Revised Statutes of Missouri, as amended, any claim against HEARTLAND WALL PANELS, INC. will be barred unless a proceeding to enforce the claim is commenced within two years after the last publication of the notices required by the statute.

**NOTICE TO THE UNKNOWN CREDITORS
OF
GREATER ST. LOUIS REGIONAL EMPOWERMENT
ZONE MANAGEMENT CORPORATION**

You are hereby notified that Greater St. Louis Regional Empowerment Zone Management Corporation, a Missouri nonprofit corporation (the "Company"), the principal office of which is located in the City of St. Louis, Missouri, has filed with the Secretary of State of Missouri, Articles of Dissolution by Voluntary Action effective August 3, 2010.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

BCRA Co.
221 Bolivar Street, Suite 101
Jefferson City, MO 65101

A claim against Greater St. Louis Regional Empowerment Zone Management Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

NOTICE

Notice is hereby given that IMF FUNDING, LC, a Missouri limited liability company, duly organized by the Missouri Secretary of State on October 1, 2004 (the "Company"), has filed with the Missouri Secretary of State Notice of Winding Up for Limited Liability Company effective as of the 25th day of May, 2010. Any person, persons, corporations or other business entities having claims against the Corporation must file the same by stating: a) name; b) address; c) current phone number; d) basis of the claim and e) documentation of the claim within three (3) years from the date of this Notice. The information must be mailed to Mr. Scott H. Malin, Esq., Lathrop & Gage LLP, 7701 Forsyth Blvd., Suite 400, St. Louis, Missouri 63105.

Any claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

IMF Funding, LC

On May 24, 2010, Family Dwellings, L.L.C. filed a Notice of Winding Up with the Missouri Secretary of State. Persons with claims must furnish the following information: 1) the name, address and phone number of the claimant, 2) amount of the claim, 3) basis for the claim, 4) documentation of the claim. Claims must be mailed to Dora Brown at 4607 S. Windermere Street, Englewood, CO 80110. Claims will be barred unless a proceeding to enforce the claim is commenced within 3 years of the publication of this notice.

NOTICE OF DISSOLUTION AND WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ENHANCED HISTORIC CREDIT PARTNERS, LLC

On May 3, 2010, Enhanced Historic Credit Partners, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against Enhanced Historic Credit Partners, LLC, you must submit a summary in writing of the circumstances surrounding your claim to Lara Wolf, 165 North Meramec Avenue, Suite 500, St. Louis, Missouri 63105. The summary must include the following information: (1) the name, address, and telephone number of the claimant; (2) amount of claim; (3) basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim.

All claims against Enhanced Historic Credit Partners, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

NOTICE OF WINDING UP AND DISSOLUTION OF
LIMITED LIABILITY COMPANY
RURAL PSYCHOLOGISTS & ASSOCIATES, LLC.

On May 3rd, 2010, Rural Psychologists & Associates, LLC, a Missouri Limited Liability Company ("Company"), filed its Notice of Winding up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it, present them immediately in writing to:

Janice May
812 N. Hwy 5
Mansfield, MO 65704

All claims must include 1) name, address, and phone number of claimant; 2) amount claimed; 3) basis of the claim; 4) date on which the claim arose; and 5) documentation supporting the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		35 MoReg 98	35 MoReg 813	
DEPARTMENT OF AGRICULTURE					
2 CSR 70-11.060	Plant Industries	35 MoReg 721	35 MoReg 756		
2 CSR 80-3.070	State Milk Board		35 MoReg 855		
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.410	Conservation Commission		35 MoReg 857		
3 CSR 10-7.417	Conservation Commission		35 MoReg 639R	This IssueR	
3 CSR 10-7.431	Conservation Commission		35 MoReg 857		
3 CSR 10-7.432	Conservation Commission		N.A.	35 MoReg 882	
3 CSR 10-7.433	Conservation Commission		N.A.	35 MoReg 882	
3 CSR 10-7.435	Conservation Commission		N.A.	35 MoReg 882	
3 CSR 10-7.437	Conservation Commission		N.A.	35 MoReg 883	
3 CSR 10-7.455	Conservation Commission				35 MoReg 316
3 CSR 10-8.505	Conservation Commission		35 MoReg 639	This Issue	
3 CSR 10-8.515	Conservation Commission		35 MoReg 639	This Issue	
3 CSR 10-9.353	Conservation Commission		35 MoReg 640	This Issue	
3 CSR 10-10.722	Conservation Commission		35 MoReg 640	This Issue	
3 CSR 10-10.724	Conservation Commission		35 MoReg 641	This Issue	
3 CSR 10-10.726	Conservation Commission		35 MoReg 641	This Issue	
3 CSR 10-10.743	Conservation Commission		35 MoReg 641	This Issue	
3 CSR 10-12.109	Conservation Commission		35 MoReg 642	This Issue	
3 CSR 10-12.110	Conservation Commission		35 MoReg 642	This Issue	
3 CSR 10-12.115	Conservation Commission		35 MoReg 642	This Issue	
3 CSR 10-12.125	Conservation Commission		35 MoReg 681		
3 CSR 10-12.130	Conservation Commission		35 MoReg 643	This Issue	
3 CSR 10-12.135	Conservation Commission		35 MoReg 643	This Issue	
3 CSR 10-12.140	Conservation Commission		35 MoReg 644	This Issue	
3 CSR 10-12.145	Conservation Commission		35 MoReg 644	This Issue	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-7.010	Division of Business and Community Services		35 MoReg 449		
4 CSR 170-1.010	Missouri Housing Development Commission		35 MoReg 527R	This IssueR	
4 CSR 170-1.100	Missouri Housing Development Commission		35 MoReg 527	This Issue	
4 CSR 170-1.200	Missouri Housing Development Commission		35 MoReg 528	This Issue	
4 CSR 170-2.010	Missouri Housing Development Commission		This IssueR		
4 CSR 170-2.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-3.010	Missouri Housing Development Commission		This IssueR		
4 CSR 170-3.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-3.200	Missouri Housing Development Commission		This Issue		
4 CSR 170-4.010	Missouri Housing Development Commission		This IssueR		
4 CSR 170-4.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-4.200	Missouri Housing Development Commission		This Issue		
4 CSR 170-4.300	Missouri Housing Development Commission		This Issue		
4 CSR 170-5.010	Missouri Housing Development Commission		This IssueR		
4 CSR 170-5.020	Missouri Housing Development Commission		This IssueR		
4 CSR 170-5.030	Missouri Housing Development Commission		This IssueR		
4 CSR 170-5.040	Missouri Housing Development Commission		This IssueR		
4 CSR 170-5.050	Missouri Housing Development Commission		This IssueR		
4 CSR 170-5.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-5.200	Missouri Housing Development Commission		This Issue		
4 CSR 170-5.300	Missouri Housing Development Commission		This Issue		
4 CSR 170-5.400	Missouri Housing Development Commission		This Issue		
4 CSR 170-5.500	Missouri Housing Development Commission		This Issue		
4 CSR 170-6.010	Missouri Housing Development Commission		This IssueR		
4 CSR 170-6.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-6.200	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.010	Missouri Housing Development Commission		35 MoReg 529	This Issue	
4 CSR 170-8.020	Missouri Housing Development Commission		35 MoReg 530	This Issue	
4 CSR 170-8.030	Missouri Housing Development Commission		35 MoReg 531	This Issue	
4 CSR 170-8.040	Missouri Housing Development Commission		35 MoReg 531	This Issue	
4 CSR 170-8.050	Missouri Housing Development Commission		35 MoReg 532	This Issue	
4 CSR 170-8.060	Missouri Housing Development Commission		35 MoReg 532	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 170-8.070	Missouri Housing Development Commission		35 MoReg 533	This Issue	
4 CSR 170-8.080	Missouri Housing Development Commission		35 MoReg 534	This Issue	
4 CSR 170-8.090	Missouri Housing Development Commission		35 MoReg 534	This Issue	
4 CSR 170-8.100	Missouri Housing Development Commission		35 MoReg 535	This Issue	
4 CSR 170-8.110	Missouri Housing Development Commission		35 MoReg 535	This Issue	
4 CSR 170-8.120	Missouri Housing Development Commission		35 MoReg 535	This Issue	
4 CSR 170-8.130	Missouri Housing Development Commission		35 MoReg 536	This Issue	
4 CSR 170-8.140	Missouri Housing Development Commission		35 MoReg 536	This Issue	
4 CSR 170-8.150	Missouri Housing Development Commission		35 MoReg 538	This Issue	
4 CSR 170-8.160	Missouri Housing Development Commission		35 MoReg 538	This Issue	
4 CSR 240-2.070	Public Service Commission		35 MoReg 682		
4 CSR 240-3.156	Public Service Commission		35 MoReg 365		
4 CSR 240-3.190	Public Service Commission		35 MoReg 207	This Issue	
4 CSR 240-3.545	Public Service Commission		35 MoReg 209	35 MoReg 936	
4 CSR 240-4.020	Public Service Commission		34 MoReg 2590R	35 MoReg 883R	
			34 MoReg 2590	35 MoReg 883	
4 CSR 240-20.100	Public Service Commission		35 MoReg 365		
4 CSR 240-33.160	Public Service Commission		35 MoReg 210	35 MoReg 938	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		35 MoReg 210		
5 CSR 50-321.010	Division of School Improvement		35 MoReg 857R		
5 CSR 50-350.050	Division of School Improvement		35 MoReg 452		
5 CSR 60-100.020	Division of Career Education		35 MoReg 214	35 MoReg 938	35 MoReg 59
5 CSR 70-742.140	Special Education		N.A.	35 MoReg 939	
5 CSR 70-742.141	Special Education		N.A.	35 MoReg 939	
5 CSR 80-800.200	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.220	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.260	Teacher Quality and Urban Education		35 MoReg 455		
5 CSR 80-800.270	Teacher Quality and Urban Education		35 MoReg 455		
5 CSR 80-800.280	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.290	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.350	Teacher Quality and Urban Education		35 MoReg 457		
5 CSR 80-800.360	Teacher Quality and Urban Education		35 MoReg 458		
5 CSR 80-800.380	Teacher Quality and Urban Education		35 MoReg 459		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 250-11.041	University of Missouri	35 MoReg 161	34 MoReg 2592		
			35 MoReg 757		
6 CSR 250-11.042	University of Missouri		34 MoReg 2594		
			35 MoReg 762		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		35 MoReg 539		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 830
					35 MoReg 898
7 CSR 60-2.010	Highway Safety Division	35 MoReg 722	35 MoReg 764		
7 CSR 60-2.030	Highway Safety Division	35 MoReg 724	35 MoReg 765		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 60-4.040	Missouri Commission on Human Rights		35 MoReg 765		
8 CSR 60-4.045	Missouri Commission on Human Rights		35 MoReg 765		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.090	Director, Department of Mental Health		35 MoReg 645		
9 CSR 30-4.034	Certification Standards		35 MoReg 935		
9 CSR 30-4.035	Certification Standards		35 MoReg 646		
9 CSR 30-4.042	Certification Standards		35 MoReg 646		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		35 MoReg 766R		
10 CSR 10-3.090	Air Conservation Commission		35 MoReg 766R		
10 CSR 10-4.070	Air Conservation Commission		35 MoReg 767R		
10 CSR 10-5.160	Air Conservation Commission		35 MoReg 767R		
10 CSR 10-6.020	Air Conservation Commission		35 MoReg 858		
10 CSR 10-6.050	Air Conservation Commission		34 MoReg 2594	35 MoReg 896	
10 CSR 10-6.065	Air Conservation Commission				35 MoReg 942
10 CSR 10-6.110	Air Conservation Commission		35 MoReg 461		
10 CSR 10-6.165	Air Conservation Commission		35 MoReg 768		
10 CSR 20-7.015	Clean Water Commission		34 MoReg 2394	35 MoReg 813	
10 CSR 23-1	Division of Geology and Land Survey				This Issue
10 CSR 23-2	Division of Geology and Land Survey				This Issue
10 CSR 23-3	Division of Geology and Land Survey				This Issue
10 CSR 23-4	Division of Geology and Land Survey				This Issue
10 CSR 23-5	Division of Geology and Land Survey				This Issue
10 CSR 23-6	Division of Geology and Land Survey				This Issue
10 CSR 60-4.025	Safe Drinking Water Commission		35 MoReg 769		
10 CSR 60-5.010	Safe Drinking Water Commission		35 MoReg 778		
10 CSR 60-7.010	Safe Drinking Water Commission		35 MoReg 778		
10 CSR 60-8.010	Safe Drinking Water Commission		35 MoReg 781		
10 CSR 60-8.030	Safe Drinking Water Commission		35 MoReg 785		
10 CSR 60-9.010	Safe Drinking Water Commission		35 MoReg 793		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R 35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R 35 MoReg 216		
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.060	Soil and Water Districts Commission	34 MoReg 1786	35 MoReg 219R 35 MoReg 219		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-9.115	Missouri Gaming Commission		This Issue		
11 CSR 45-10.040	Missouri Gaming Commission		35 MoReg 99	35 MoReg 692	
11 CSR 45-11.020	Missouri Gaming Commission	35 MoReg 85	35 MoReg 100	35 MoReg 692	
11 CSR 45-11.030	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103	35 MoReg 692	
11 CSR 45-11.050	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103	35 MoReg 693	
11 CSR 45-11.070	Missouri Gaming Commission	35 MoReg 87	35 MoReg 103	35 MoReg 693	
11 CSR 45-11.130	Missouri Gaming Commission	35 MoReg 88	35 MoReg 104	35 MoReg 693	
11 CSR 45-12.010	Missouri Gaming Commission		35 MoReg 467	This Issue	
DEPARTMENT OF REVENUE					
12 CSR 10-2.045	Director of Revenue		35 MoReg 13	35 MoReg 693	
12 CSR 10-3.249	Director of Revenue		35 MoReg 575R		
12 CSR 10-3.830	Director of Revenue		35 MoReg 575R		
12 CSR 10-3.832	Director of Revenue		35 MoReg 575R		
12 CSR 10-41.010	Director of Revenue	34 MoReg 2528	34 MoReg 2536	35 MoReg 545	
12 CSR 10-103.390	Director of Revenue		35 MoReg 685		
12 CSR 30-3.010	State Tax Commission		35 MoReg 220	35 MoReg 822	
12 CSR 30-3.025	State Tax Commission		35 MoReg 220	35 MoReg 822	
12 CSR 30-4.010	State Tax Commission		35 MoReg 221	35 MoReg 822W	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-38.010	Children's Division		35 MoReg 576		
13 CSR 35-38.011	Children's Division		This Issue		
13 CSR 35-38.021	Children's Division		This Issue		
13 CSR 35-38.030	Children's Division (<i>Changed from 13 CSR 40-38.010</i>)		This Issue		
13 CSR 35-38.040	Children's Division (<i>Changed from 13 CSR 40-38.020</i>)		This Issue		
13 CSR 35-60.070	Children's Division		35 MoReg 582		
13 CSR 40-38.010	Family Support Division (<i>Changed to 13 CSR 35-38.030</i>)		This Issue		
13 CSR 40-38.020	Family Support Division (<i>Changed to 13 CSR 35-38.040</i>)		This Issue		
13 CSR 70-3.020	MO HealthNet Division		This Issue		
13 CSR 70-3.140	MO HealthNet Division		This Issue		
13 CSR 70-3.160	MO HealthNet Division		This Issue		
13 CSR 70-3.200	MO HealthNet Division		35 MoReg 685		
13 CSR 70-10.015	MO HealthNet Division	35 MoReg 635	35 MoReg 647		
13 CSR 70-10.080	MO HealthNet Division		35 MoReg 652		
13 CSR 70-10.110	MO HealthNet Division	35 MoReg 5	35 MoReg 13	35 MoReg 693	
13 CSR 70-15.010	MO HealthNet Division	35 MoReg 161	34 MoReg 1802	35 MoReg 306	
13 CSR 70-15.110	MO HealthNet Division	35 MoReg 5	35 MoReg 17	35 MoReg 693	
13 CSR 70-20.320	MO HealthNet Division	35 MoReg 6	35 MoReg 19	35 MoReg 694	
13 CSR 70-90.010	MO HealthNet Division		35 MoReg 688		
ELECTED OFFICIALS					
15 CSR 30-45.040	Secretary of State		35 MoReg 691		
15 CSR 40-4.010	State Auditor		35 MoReg 224	35 MoReg 896	
15 CSR 40-4.020	State Auditor		35 MoReg 224	35 MoReg 896	
15 CSR 40-4.030	State Auditor		35 MoReg 225	35 MoReg 897	
15 CSR 40-4.040	State Auditor		35 MoReg 225	35 MoReg 897	
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16 CSR 10-5.010	The Public School Retirement System of Missouri		35 MoReg 226	35 MoReg 822	
16 CSR 10-5.020	The Public School Retirement System of Missouri		35 MoReg 227	35 MoReg 822	
16 CSR 10-6.060	The Public School Retirement System of Missouri		35 MoReg 227	35 MoReg 822	
16 CSR 10-6.070	The Public School Retirement System of Missouri		35 MoReg 228	35 MoReg 823	
16 CSR 20-2.080	Missouri Local Government Employees' Retirement System (LAGERS)		35 MoReg 104R 35 MoReg 105	35 MoReg 694R 35 MoReg 694	
16 CSR 50-2.010	The County Employees' Retirement Fund		35 MoReg 467	35 MoReg 940	
16 CSR 50-2.035	The County Employees' Retirement Fund		35 MoReg 468	35 MoReg 940	
16 CSR 50-2.120	The County Employees' Retirement Fund		35 MoReg 468	35 MoReg 940	
16 CSR 50-2.130	The County Employees' Retirement Fund		35 MoReg 469	35 MoReg 940	
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17 CSR 20-3.015	St. Louis Board of Police Commissioners		35 MoReg 862		
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17 CSR 20-3.055	St. Louis Board of Police Commissioners		35 MoReg 864		
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17 CSR 20-3.085	St. Louis Board of Police Commissioners		35 MoReg 866		
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19 CSR 20-28	Division of Community and Public Health				34 MoReg 2432
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20 CSR	Construction Claims Binding Arbitration Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR	Medical Malpractice				31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				33 MoReg 150 33 MoReg 2446 35 MoReg 318
20 CSR	State Legal Expense Fund Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR 500-2.300	Property and Casualty		35 MoReg 691		
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20 CSR 1140-30.010	Division of Finance	35 MoReg 725R	35 MoReg 794R		
20 CSR 1140-30.030	Division of Finance	35 MoReg 727R	35 MoReg 794R		
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20 CSR 1140-30.200	Division of Finance	35 MoReg 737	35 MoReg 797		
20 CSR 1140-30.210	Division of Finance	35 MoReg 738	35 MoReg 798		
20 CSR 1140-30.220	Division of Finance	35 MoReg 739	35 MoReg 800		
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20 CSR 2120-2.140	State Board of Embalmers and Funeral Directors	35 MoReg 89	35 MoReg 105	35 MoReg 823	
20 CSR 2120-2.150	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106	35 MoReg 823	
20 CSR 2120-3.115	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106	35 MoReg 823	
20 CSR 2120-3.120	State Board of Embalmers and Funeral Directors	35 MoReg 91	35 MoReg 109	35 MoReg 824	
20 CSR 2120-3.200	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109	35 MoReg 824	
20 CSR 2120-3.300	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109	35 MoReg 824	
20 CSR 2120-3.305	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110	35 MoReg 824	
20 CSR 2120-3.310	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110	35 MoReg 824	
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors	35 MoReg 94	35 MoReg 112	35 MoReg 824	
20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112	35 MoReg 825	
20 CSR 2120-3.505	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112	35 MoReg 825	
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20 CSR 2120-3.525	State Board of Embalmers and Funeral Directors	35 MoReg 97	35 MoReg 113	35 MoReg 825	
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	34 MoReg 2529	34 MoReg 2540	35 MoReg 694	
20 CSR 2150-5.100	State Board of Registration for the Healing Arts		35 MoReg 869R 35 MoReg 870 35 MoReg 872R 35 MoReg 872		
20 CSR 2200-4.100	State Board of Nursing		35 MoReg 879R 35 MoReg 879		
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22 CSR 10-2.090	Health Care Plan	35 MoReg 182	35 MoReg 262	35 MoReg 827	
22 CSR 10-3.010	Health Care Plan	35 MoReg 183	35 MoReg 267	35 MoReg 827	
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7 CSR 60-2.010	Definitions35 MoReg 722 . . .	April 18, 2010 . . .	Nov. 30, 2010
7 CSR 60-2.030	Standards and Specifications35 MoReg 724 . . .	April 18, 2010 . . .	Nov. 30, 2010
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9 CSR 30-4.045	Intensive Community Psychiatric RehabilitationNext Issue	July 1, 2010 . . .	Feb. 24, 2011
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11 CSR 45-11.020	Deposit Account—Taxes and Fees35 MoReg 85	Jan. 6, 2010	July 4, 2010
11 CSR 45-11.030	Payment—Gaming Tax35 MoReg 86	Jan. 6, 2010	July 4, 2010
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11 CSR 45-11.130	Failure to File Return or Pay Tax or Fee35 MoReg 88	Jan. 6, 2010	July 4, 2010
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12 CSR 10-24.430	Back of Driver License, Permits and Nondriver License . . .Aug. 2, 2010 Issue . . .	July 1, 2010 . . .	Dec. 28, 2010
12 CSR 10-24.480	Boater Identification Indicator on Driver or Nondriver License	Aug. 2, 2010 Issue . . .	July 1, 2010 . . .
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13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services35 MoReg 635	April 1, 2010 . . .	Sept. 27, 2010
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	Aug. 2, 2010 Issue . . .	July 1, 2010 . . .
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	Aug. 2, 2010 Issue . . .	July 1, 2010 . . .
13 CSR 70-20.320	Pharmacy Reimbursement Allowance	Aug. 2, 2010 Issue . . .	July 1, 2010 . . .
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20 CSR 1140-30.030	Licensing35 MoReg 727	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.040	Operations and Supervision35 MoReg 728	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.050	Annual Report of Mortgage Brokerage Activity and Mortgage Servicing Activity	35 MoReg 729	April 18, 2009 . . .
20 CSR 1140-30.070	Advertising35 MoReg 730	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.080	Loan Brokerage Practices35 MoReg 731	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.090	Loan Application Practices35 MoReg 732	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.100	General Practices35 MoReg 733	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.110	Commitment and Closing Practices35 MoReg 734	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.120	Exemption Guidelines35 MoReg 736	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.200	Definitions35 MoReg 737	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.210	Licensing of Mortgage Loan Originators35 MoReg 738	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.220	Self-Reporting Requirements35 MoReg 739	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.230	Challenges to Information Submitted to NMLSR35 MoReg 741	April 18, 2009 . . .	Jan. 26, 2011
20 CSR 1140-30.240	Operations and Supervision of Residential Mortgage Loan Brokers	35 MoReg 742	April 18, 2009 . . .
20 CSR 1140-30.250	Change in Business Activities35 MoReg 743	April 18, 2009 . . .	Jan. 26, 2011

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20 CSR 1140-30.260 Full-Service Office Requirement35 MoReg 744	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.270 Maintenance of Records35 MoReg 745	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.280 Authorized Advance Fees and Escrow Requirements35 MoReg 747	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.290 In-State Office Wavier For Services35 MoReg 748	April 18, 2009	Jan. 26, 2011
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10-21	Activates the Missouri State Emergency Operations Center	June 15, 2010	Next Issue
10-20	Establishes the Missouri Civil War Sesquicentennial Commission	April 2, 2010	35 MoReg 754
10-19	Amends Executive Order 09-17 to give the commissioner of the Office of Administration supervisory authority over the Transform Missouri Project	March 2, 2010	35 MoReg 637
10-18	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	35 MoReg 573
10-17	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	35 MoReg 525
10-16	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
10-15	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
10-14	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
10-13	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
10-12	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
10-11	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
10-10	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
10-09	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
10-08	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
10-07	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
10-06	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
10-05	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
10-04	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
10-03	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353
10-02	Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services	Jan. 15, 2010	35 MoReg 352
10-01	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351

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09-29	Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010	December 31, 2009	35 MoReg 205
09-28	Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced	December 24, 2009	35 MoReg 203
09-27	Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded	November 4, 2009	34 MoReg 2587
09-26	Advises that state offices will be closed November 27, 2009	October 30, 2009	34 MoReg 2466
09-25	Creates the governor's faith-based and community service partnership for disaster recovery	September 21, 2009	34 MoReg 2361

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09-24	Creates the prompt pay for a healthy Missouri project	September 11, 2009	34 MoReg 2313
09-23	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	September 1, 2009	34 MoReg 2139
09-22	Appoints the Home Building and Residential Energy Efficiency Advisory panel to issue recommendations on energy efficiency measures for the home building sector and consumers	August 20, 2009	34 MoReg 2137
09-21	Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated	May 14, 2009	34 MoReg 1332
09-20	Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period	May 12, 2009	34 MoReg 1331
09-19	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	May 8, 2009	34 MoReg 1329
09-18	Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years	April 23, 2009	34 MoReg 1273
09-17	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	34 MoReg 828
09-16	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	34 MoReg 826
09-15	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	34 MoReg 824
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	34 MoReg 761
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277

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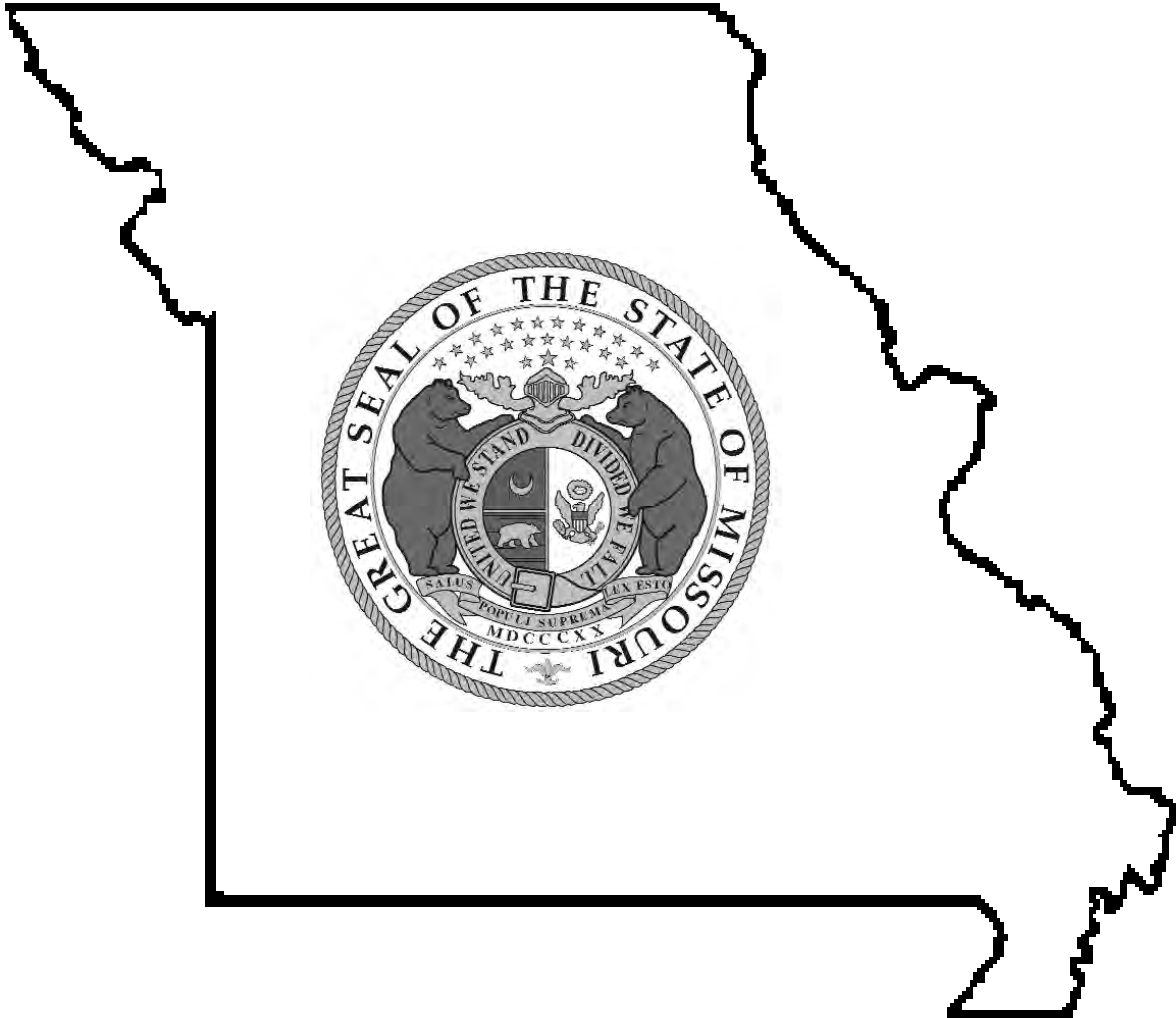
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The updated rulemaking manual, in its entirety, can be found on our website.

For those who currently have a hard copy of the rulemaking manual, an update that contains the changed pages is available on our website. Please print the update and replace the necessary pages in your current manual.

Please visit www.sos.mo.gov/adrules/downloads.asp for links to the update and the current rulemaking manual.